

The Public Recorder



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Report of the President, Donna Hooper

Plan as we may.....

Donna Hooper, November 2011

The October 29th Nor'easter that hit the Commonwealth with powerful winds and early snowfall, and the Governor's declaration of a state of emergency, has reminded us all of the importance of being prepared to operate in ways other than 'normal'.

The extended power outages experienced by most communities closed many public buildings and necessitated the opening of comfort stations and emergency shelters. Gathering spaces were created for displaced elders and families. Many Clerks were closely involved and stepped-up to serve the needs of their communities in ways very different from their standard roles.

This all happened just days before the November 2011 fall elections planned in communities with a city form of government. *What if it had...??*

Emergency preparedness – Emergency call lists, back-up plans and systems must be in place for implementation with little or no notice. With these challenges comes the importance of building and sustaining relationships within and between communities for an immediate line of communication and clear expectations and commitment to available support and resources. Given the nature of our business, the municipal clerk network is a great emotional, technical, and physical resource for clerk and non-clerk related systems, procedures, and resources.

Some independent resources of great help in preparation for, during, and after emergencies, include:

- *Local municipal & State agency representatives* from Public Safety, Public Health, Elections, Attorney General and municipal departments – with the expertise and specialized services to support efforts including public relations/communication, emergency cancellations, temporary operation locations (alternate polls, etc.), archives & records storage, etc.
- *D-Plan* – An on-line disaster planning tool requiring communities to identify community/collection specific information and the risks most significant for the community, the

situations to cover as most likely to occur with most serious consequences, identifying goals for salvaging collections, and addressing prevention of and response to emergencies that may affect a community's collections, with key personnel/departments and service providers to be contacted.

- *COSTEP* – Coordinated Statewide Emergency Preparedness – A newly developed framework to help emergency management and cultural communities work together to preserve the natural, cultural, and historic resources; in partnership with the Massachusetts Board of Library Commissioners and Massachusetts State Archives, the Northeast Document Conservation Center has developed this initiative comprised of 4 basic components - building relationships, mitigating hazards, preparing for response, and sustainability through training, outreach and relationships.
- *Disaster Recovery Services* - A number of national and local companies and organizations with the expertise and resources to respond quickly to community level disasters and provide disaster restoration services including: complete disaster recovery and document restoration products and services, fire damage restoration, mold remediation, water damage restoration, book and documents recovery, and contents restoration.

We can only hope to be spared the 100-year storms, tornadoes, fires, hurricanes, and other disasters. The more we plan, or at least begin to plan, the more prepared our operations will be, the more we as Clerks can provide and receive support for that which we are entrusted as Clerks. Continued planning, communication, and collaboration will help us to be better prepared for whatever comes our way.

Donna Hooper



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MTCA LOBBYIST REPORT – NOVEMBER 2011

By Stephen Roche

2012 STATE PRIMARY

As you know, the General Court has approved language to move the date of next year's State Primary to Thursday, September 6th. This change was made at the request of the State Secretary, slipped into a supplemental budget (**House 3877**). The change became effective when Governor Patrick approved House 3788.

I spoke to several legislators about this issue afterwards and expressed the frustration of town clerks about the lack of process and reminded them that election issues like this should be handled by a task force such as that the one that we have sought during the past several years; see **House 3115**.

PENSION REFORM

The House followed the Senate's lead and took up pension reform during the first week of November; see **House 3787**. There were a few significant differences from the Senate bill, **Senate 2018**, including:

- An effective date of July 1, 2012, as compared to the Senate's proposal that changes in the retirement laws would affect only those who enter a retirement system on or after January 1, 2012.
- The House believes its proposal will save \$6 billion over 20 years while the Senate says its plan will generate \$5 billion in savings.

Like the Senate, the House also adopted language that would effectively require some elected town clerks to sit out a year before filing for retirement.

Because of significant differences between the House and Senate versions, a conference committee is now meeting to hammer out a compromise before the end of formal sessions on November 16th.

I met recently with the House Chair of the Public Service and the Senate Chair's staff to discuss the clerks' concerns with the bills. Both said they had heard from their clerks about the provisions. I suggested that they rewrite the language so that it was in plain English and that they carve out an exemption based on population (i.e., under 10,000 residents) or compensation (i.e., salary of less than \$20,000). I was told they would revisit the issue with the other members of the conference committee.

CASINO GAMBLING

The conference committee hammering out a compromise for expanded gaming continues to meet. The committee is also facing the November 16th deadline for action; a controversial matter like this would be set aside until January if not approved by this deadline.

SPECIAL ELECTION MONIES

While no action has been taken on the MTCA bill that would require reimbursement to municipalities for special election costs (**House 193**), the General Court provided reimbursement of local costs for a 2nd time this year when it added the following language to House 3788, the supplemental budget mentioned above:

SECTION 12. Chapter 68 of the Acts of 2011, is hereby amended in section 2, by inserting in item 0521-0000, after the word "education" the following:- "; provided further, \$57,884 shall be

made available **for reimbursements to municipalities for costs associated with the special primary and the special election to fill the house of representatives' seat for the twelfth Bristol district**; provided further, that the state secretary shall only reimburse the municipalities for costs that have previously been certified by the division of local mandates within the office of the state auditor; and provided further, that any unexpended funds in this item shall be made available in fiscal year 2012; and by striking out the figures "\$4,900,000", and inserting in place thereof the figures "\$4,957,887".

We continue to advocate for passage of House 193 to ensure that a permanent solution is established.

ELECTION DAY REGISTRATION (EDR)

As indicated in my last report, the Election Laws Committee held a hearing on November 2nd on EDR and the MTCA Elections Reform Task Force bill – House 3115.

The MTCA was well represented at the hearing by town clerks Bob Cutler of Foxborough and Joe Powers of Braintree. Bob presented excellent written testimony at the hearing; here are a few excerpts:

“Many of the major bills offered in recent sessions include same day voter registration, early voting and at-will absentee voting, increased Central Voter Registry (CVR) availability, state and local cost implementation, administration requirements, new voting equipment technology, and compatibility of new proposals. Each bill taken on its own may lead to improvements in the system, but is more likely to lead to inconsistent implementation, confusion, lack of trust in the system, and additional costs to communities struggling with a bad economy.

The MTCA strongly urges the Elections Law Committee to discontinue the piecemeal approach in the review of election law proposals and look to the stakeholders, including elected officials, advocates, voters, and those people actively involved in the process to come together to review the best methods to introduce reform, analyze the costs involved and formulate a plan that will embrace the technological realities of today and offer a streamlined electoral system for the Commonwealth, while protecting the integrity of the process.’

The change in the state primary date is a good example of the type of issue that should be discussed as part of a comprehensive review of proposed changes to our election laws.

In terms of other at the hearing, most were there to support two EDR bills on the list that day, Senate 301 and House 1106.

One interesting development on EDR took place in Maine where voters approved a ballot question to repeal a recent change in Maine’s election laws to abolish EDR. As you may know, Maine had EDR for many years but the Legislature there recently eliminated EDR and replaced it with a system to close voter registration two days before an election. The voters obviously disagreed with that change and, by repealing the new law, EDR is back in Maine.

Even though the General Court will cease formal sessions on November 16th, legislators will continue to meet in informal sessions through the end of 2011. Only non-controversial matters will be taken up in informal sessions after November 16th since a single legislator can bring a session to a halt.

HAPPY THANKSGIVING TO ALL!

MTCA CERTIFICATION EXAM (CMMC) IN JANUARY

The MTCA examination for Certified Massachusetts Municipal Clerk (CMMC) designation will be offered in January. Applications must be received by Administrator Barbara LaBombard by **DECEMBER 15th** for the January exam, which will be mailed between January 1st and January 7th.

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 February 10th for the January 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 March 1st. 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 at all MTCA conferences and from the administrator, Barbara LaBombard - (cityclerk@easthampton.org) or by calling 413-529-1460.



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ELECTIONS DIVISION

Can you believe it's November already? While we are busy preparing for the March 6th, 2012 Presidential Primary, we are also looking ahead to the State Primary and State Election, including moving the date of the State Primary for 2012.

Under section 28 of chapter 53 of the General Laws, the state primary is held on the seventh Tuesday preceding the state election which falls on September 18, 2012. That date coincides with the Jewish New Year and we were encouraged by both public officials and private citizens to try to change this date so that members of the Jewish community would be able to fully participate in the primary. Additionally, by moving the date of the state primary earlier, ballots for the election could be prepared earlier eliminating the need for a waiver from the Military and Overseas Voter Empowerment Act (MOVE) which requires absentee ballots be sent to UOCAVA voters at least 45 days before the election.

So, we looked at the possible dates that would achieve both goals and provide for the least disruption in the election process. We are aware that there is legislation pending that would move the date of the state primary to a date in June and we've seen various legislation in the past changing the date earlier to either May or August. However, each of those proposals would require significant changes to the election laws which, in my opinion, were too late to implement at this point.

Moving the primary to the spring would require changing essentially every deadline from the availability of nomination papers, deadline to submit nomination papers for certification and deadline to file nomination papers with this Office. The enrollment requirements for party candidates running in party primaries would also be affected since they are based on the filing deadlines. For those municipalities who use schools as polling places, having an election in the summer may result in additional expenses and/or overtime charges for buildings that aren't regularly opened (or air-conditioned at that time). The other concern we've heard about August is that it may be difficult to get poll workers and that voter turnout will be lower as a result.

The inherent problem with moving the primary to early August, we would not be able to have absentee ballots available in time to comply with MOVE for the primary unless changes are made to many other election laws. Party candidates for federal and statewide office have until June 5th to file their papers with this Office and then if there is a withdrawal, it doesn't have to be filled until June 13th to fill it. Also, if objections are filed, the State Ballot Law Commission has until June 29th to render a decision. Accordingly, it is unlikely that this Office would be able to have absentee ballots to the local election officials at least 45 days before an August primary.

Even if the state primary were moved to a date in August, including late August, this Office cannot begin the ballot printing process for the November election until such time as the national parties have their conventions and submit their presidential candidates. It appears that the national conventions have been scheduled for the last week in August and the first week in September. Therefore, there will be no presidential and vice-presidential candidates to print on the general election ballot until after that time.

The first dates that were proposed were earlier Tuesdays in September. The Tuesday prior to the scheduled date is September 11th, a date that is very controversial. The day after Labor Day was also suggested, but we remembered the backlash from the special senate election about the difficulties in having an election the day after a holiday and the additional expenses we received from local election officials. Looking back to when the Jewish New Year coincided with the state primary in the past (in

1964 and 1988), we noted that the primary was moved to a Thursday. Accordingly, we proposed September 6th.

While we recognize that having an election on a day other than a Tuesday also presents challenges, we felt that the proposal to move the date to September 6th was the least disruptive to the process and would allow for members of the Jewish community to fully participate and still provide sufficient time to print the ballots and have them ready to be sent at least 45 days before the state election. We hope that with such advance notice, local election officials would be able to plan appropriately. As always, we stand ready to assist local election officials in this process.

I hope this information is helpful and that everyone has a happy, safe and healthy holiday season.

Michelle K. Tassinari
Director/Legal Counsel
Elections Division



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MTCA CONFERENCE SCHEDULES



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

MTCA WINTER CONFERENCE
January 25, 26, & 27, 2012
Sturbridge Host Hotel
Sturbridge, MA



MTCA CONFERENCE SCHEDULES

NEACTC

MTCA WINTER CONFERENCE

An advertisement for MTCA conferences. It features a pumpkin icon and a graduation cap icon. The text lists two conferences: NEACTC (November 16, 17 & 18, 2011) and MTCA WINTER CONFERENCE (January 25, 26, & 27, 2012). The background is white with a black border.

NEMCI&A - UPDATE

I just wanted to thank everyone who came to NEMCI&A this summer!!! It was great to see so many new faces as well as familiar ones. Since I am off the board this month along with Wilma McDonald, and Patty Spruance, I also want to thank the Board of Directors and Faculty for their hard work and efforts. It was a very good year.

The evaluations were great and we appreciated the nice comments, and will also take into consideration the issues that were brought up as well. We all need to remember that we are not going to the Ritz for the week – we are going to college. If Clerks can handle Presidential Elections, we can go to school and adapt!!!

The Board and Faculty met on Saturday the 22nd of October to brainstorm for next year. Final reports were presented from 2011; and plans began for classes for 2012. Kelli Barnaby will be Chairing the 2012 NEMCI&A year and along with the great Board of Directors will do a fantastic job of putting together this special week for you.

Plans are in the works and hopefully the scholarship applications will be coming out in January or February along with the brochure. We are hoping that by meeting now, we can help you by getting the information out earlier. So stay tuned and watch for updates!!

Thanks again...hope to see more of you back at Plymouth State next summer!!

Linda Hutchenrider
Outgoing Chairperson/NEMCI&A

NEMCI & A SCHOLARSHIPS AVAILABLE

The New England Municipal Clerks Institute & Academy will be held on the campus of Plymouth State University, in the heart New Hampshire's Lakes Region, July 14-20, 2012.

It is never too early to plan on attending, so mark your calendars. Anyone in need of financial assistance should consider applying for scholarships available through IIMC, before seeking aid from our state, local and regional groups. The following scholarships are available to IIMC members:

- [CMC \(Certified Municipal Clerk\) Scholarship](#)
- [MMC \(Master Municipal Clerk\) Scholarship](#)
- [IIMC Distance Learning Programs Scholarship](#)
- [State / Provincial / National Association Grant](#)

Apply now! Scholarship applications must be postmarked by February 3, 2012.

Submitted by Wilma McDonald, outgoing NEMCI Information/Publicity Chair

Massachusetts Town Clerks' Association
2012 Winter Conference Funding Available!
By Nancy Blackmer 1st Vice President

The Massachusetts Town Clerk's Association holds three conferences per year in various locations throughout the Commonwealth as the primary means of communication for municipal clerks, to provide networking opportunities, to obtain information on current trends and services available from vendors, and to provide guidance and training to Massachusetts municipal clerks. These conferences support the mission of the Association - **"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."**

The MTCA Executive Board has taken action to provide nominal scholarships for MTCA conferences to assist clerks, who may have difficulty obtaining financing from their communities, to attend MTCA conferences.

Scholarship applications for attendees unable to obtain municipal support must be submitted no later than **December 21, 2011** for funding consideration for the upcoming MTCA Conference to be held **January 25-27, 2012 at the Sturbridge Host Hotel, Sturbridge, MA**. Scholarship awards will be based upon applications received and funding available.

Please contact MTCA 1st Vice President Nancy Blackmer at townclerk@townoforange.org with any questions.

MASSACHUSETTS CONFERENCE SCHOLARSHIP CRITERIA

1. The Executive Board shall determine, annually, the amount of scholarship monies to be allocated. Scholarships are only for those applicants who have been denied funds from their municipalities.
2. It shall be the Scholarship Committee chaired by the 1st Vice President that shall award the scholarships.
3. Scholarship awards will be limited to one person per office with the Clerk having first preference.
4. Applicant must be a Town Clerk or Assistant Town Clerk.
5. An applicant must be a member of the MTCA.
6. An applicant must have requested funds from his/her municipality and include a letter of denial for such funds.
7. The deadline for filing an application with the 1ST Vice President shall be 30 days prior to conference.
8. Applicants within a 50-mile radius - scholarship will consist of registration fee and lunch. Applicants outside a 50-mile radius - scholarship will consist of registration, meals and hotel accommodations if requested.

MASSACHUSETTS TOWN CLERKS ASSOCIATION

~ SCHOLARSHIP APPLICATION For MTCA Conferences ~

- | | <u>YES</u> | <u>NO</u> |
|--|------------|-----------|
| 1. I am a Town or an Assistant Town Clerk. | _____ | _____ |
| 2. I am the only applicant from my municipality. | _____ | _____ |
| 3. I have been denied all or partial funding from my municipality and I am enclosing the letter of denial . | _____ | _____ |
| 4. I have paid my annual dues to the Massachusetts Town Clerks' Association, have been a member for at least one year prior to the date of this application, and am currently a member in good standing. | _____ | _____ |

If you have answered **YES** to all of the above, you may apply for financial assistance. If you have answered **NO** to any of the above, you must include a letter of explanation stating why you have not complied with the above criteria. All applications must be received 30-days prior to the MTCA Conference.

Please note:

If you live within a 50-mile radius of the conference site, scholarship funding is limited to conference registration, lunch and travel expenses from your place of employment.

If you live outside a 50-mile radius from the conference site, scholarship funding may include registration, meals, travel expenses from your place of employment, and hotel accommodations. APPLICANTS MUST SUBMIT BREAKDOWN LISTING ALL PROJECTED EXPENSES TO JUSTIFY REQUESTED SCHOLARSHIP AMOUNT.

NAME _____ DATE _____

ADDRESS _____ TOWN _____ COUNTY _____

JOB TITLE/TOWN _____ POPULATION _____

E-MAIL ADDRESS _____ PHONE _____ FAX: _____

AMOUNT REQUESTED \$ _____ to be matched with \$ _____
To be paid by My Municipality _____ Myself _____ Other _____

LIST AMOUNT OF FUNDING PREVIOUSLY RECEIVED by you or your Municipality
within past 5 years: \$ _____

Return this application, letter of denial and any necessary letter of explanation to the MTCA Scholarship Chair; Nancy Blackmer, 6 Prospect St., Orange, MA 01364, or townclerk@townoforange.org at least 30 days prior to the conference.

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Date received: _____ Date action taken: _____

Amount requested: _____ Amount awarded: _____ **OR** Reason for denial: _____

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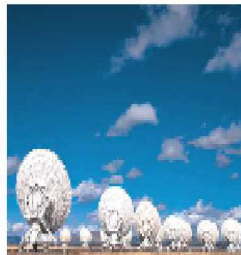
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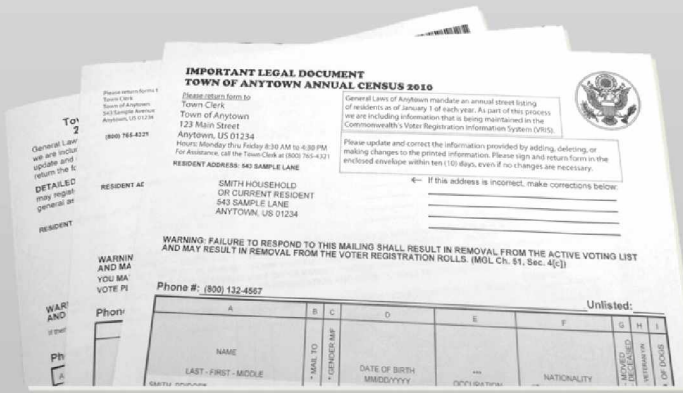


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Hold the Date!!



**WINTER CONFERENCE
MASSACHUSETTS TOWN CLERK'S ASSOCIATION**

JANUARY 25 – 27, 2012

Sturbridge Host Hotel
Sturbridge, MA

Information forthcoming!



*Happy Thanksgiving!
To You And Your Family*

Newsletter of the MTCA

584 Main Street
Athol MA 01331



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The Public Recorder

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