

The Public Recorder



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Report of the President, Theodora K. Eaton



Fall is just around the Corner along with The State Primary! by Tedi Eaton

Just about a year ago as I was putting down some thoughts on what was going on in “clerkdom”, we learned of the passing of Senator Ted Kennedy. Between then and now, all clerks had a special state primary and special state election. Then a few clerks were in the Scott Brown State Senatorial district and had yet another special state primary and special state election. And if you were very lucky, your town scheduled a special town election to coincide with either the special state primary or the special state election. And that doesn’t include the Annual Town Election. It’s been a busy year! And by the time you receive the September issue of The Public Recorder, we will have had the State Primary on Tuesday, September 14th and will be preparing for the November 2nd State Election.

During the last few weeks, the Governor signed into the law the long awaited Vitals Bill. I believe our Legislative Chairman, Larry Pizer, and former Legislative Chairman, Marylou Murzyn, and our Lobbyist, Steve Roche, have been working with the MTCA and our Legislators for about 16 years toward passage of an electronic statewide vitals program. You will be hearing more about this at the fall conference and from Vitals as they digest the reality of this long awaited program and prepare for implementation. Congratulations to all who worked so hard over the years to make this dream come true!

Another new piece of legislation from the Federal Government (MOVE – the Military and Overseas Voter Empowerment Act) will apply to the November 2, 2010 State Election and should help all of us with the new calendar-year absentee ballot applications from Specially Qualified Voters. Part of the MOVE Act allows election officials to accept Federal Post Card Applications from UOCAVA electronically, send blank ballots to UOCAVA voters electronically, and receive completed ballots electronically. We’ve sent letters to those former SQV voters explaining that they now needed to apply for absentee ballots on a calendar year instead of for a period that included two biennial state elections. We found only a few of those absentee voters were still in their former locations.

And last but not least, please take some time to smell the roses and join us at the MTCA Fall Conference in Williamstown on September 29 – October 1, 2010. There is much in the offering between classes, Wednesday afternoon speakers to lighten our day and give us a few pointers on how clerks can assist genealogists in their search for family records, simulation training for western clerks with multi-precincts, a Wednesday night movie on the life of Dolly Madison, a guest luncheon speaker, Paddy McGuire, the Deputy Director for Election Official Assistance, from the Federal Voting Assistance Program, as well as updates from our state officials at our Friday morning breakfast meeting. We look forward to seeing you in Williamstown!



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MTCA LOBBYIST REPORT – SEPTEMBER 2010

By Stephen Roche

VITAL RECORDS BILL (HOUSE 4910) = NOW CHAPTER 327 OF THE ACTS OF 2010

MTCA Legislative Chair Larry Pizer told me that he has worked on this issue for 17 years – that’s a long time to work on any issue, but we did things quite different this session than in past years. The most important thing that we did was strip the bill down to the essential elements.

We also had a really good lobbying partner in the Massachusetts Funeral Directors Association, whose members and lobbyist, Margie Nolan, were very active. In fact, Ms Nolan did a great job in securing a champion for us on the Senate side – Senator Richard Ross who assumed Scott Brown’s seat a few months ago – Senator Ross is a funeral director by trade.

Of course, we were also assisted in these efforts by the Massachusetts Department of Public Health and the Massachusetts City Clerks Association.

PRE-REGISTRATION OF VOTERS

We continue to monitor **House 683**. We are aware that there is continued opposition to this bill and we do not expect further action on it before the end of the current session; in that case, the bill would die and have to be re-filed for the 2011-2012 session.

ANIMAL CONTROL

As reported previously, **House 4956** does not contain the licensing surcharge that was a concern in the original version of the bill. The bad news is that the requirement that those 70 years and over not be charged for licensing their dogs is still in the legislation.

Here’s a look at the language in question:

SECTION 9.

Said chapter 140 is hereby further amended by striking out section 139, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 139. (a) The fee for every license shall, except as otherwise provided, be determined by a city or town but such fee shall be not more than \$35 for a spayed or neutered dog and shall not exceed \$50 for an intact dog.

(b) If a certificate of a registered veterinarian who spayed or neutered a dog has been shown to a city or town clerk, the license fee shall be lower than that of an intact animal. If the city or town clerk is satisfied that the certificate of the veterinarian who spayed or neutered the dog cannot be obtained, the clerk may instead accept a receipt of a bill from the veterinarian who performed the operation, a statement signed under the penalties of perjury by a veterinarian registered and practicing in the commonwealth describing the dog and stating that the veterinarian has

examined the dog, which appears to have been spayed or neutered and thereby deprived of the power of propagation.

(c) No fee shall be charged for a license issued pursuant to this section:

i) for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder :

or (ii) **for a dog owned by a person aged 70 years or older.** A license fee or part thereof shall not be refunded because of the subsequent death, loss, spaying or removal from the commonwealth or other disposal of the dog, nor shall a license fee or part thereof paid by mistake be paid or recovered back after it has been paid over to a city or town under section 147.

Believe it or not, we received a call from a House committee staffer in late August to tell us that the bill was going to move in the House. We have requested that a hold on action at this time in the hope that we can strike the language highlighted above.

REPRECINCTING BILL (HOUSE 678) = NOW CHAPTER 321 OF THE ACTS OF 2010

THE MORNING AFTER

Good morning. It's September 15th, the morning after our state primary. For most of you the only problem you had yesterday was the lack of voters!

From what I have read or heard so far, things went fairly well at the polls yesterday. I know that a few candidates are considering recounts but for most of you it's a quiet day today. For us "State House" types, it's busy day as we review results in a variety of primary races. Of course, my first scan of results is the legislative races – did I lose any friends, are there any winners whom I know and may be new legislative friends?

For the MTCA, we had a few friends who have moved on. Probably the biggest loss for us was the departure of Senator Mike Morrissey from Quincy; Mike won his primary race for Norfolk District Attorney. Mike was one of our most reliable allies on Beacon Hill.

Ironically, a former legislative aide to Senator Morrissey, Tacky Chan, won his primary for state representative and looks like he will return to the State House as a legislator now. So we lost a friend but gained a new ally?

Another important race for the MTCA is the state auditor's election. As you know, we have turned many times to the Auditor's Local Mandates Division to seek state reimbursement for "mandates" imposed upon municipal clerks. I am friendly with Democratic candidate Suzanne Bump, a former state representative, who has seen these issues while serving in the House. The Republican candidate, Mary Connaughton, a former member of the Mass Turnpike board, ran an aggressive campaign to easily win her party's nomination.

This will be an interesting race to watch.

A CELEBRATION

A number of town clerks will be joining me at an informal celebration at DPH on September 21st to mark the passage of the Vital Records bill – or as I now call it, “**Larry’s Law**” – sorry Larry, couldn’t resist.

Certified Municipal Clerks

The following individuals have earned the prestigious Certified Municipal Clerk (CMC) designation from the International Institute of Municipal Clerks (IIMC):

Rosemary B. Harvell, CMC - Town Clerk - Town of Sudbury, MA.

Sandra E. Wright, CMC - Town Clerk - Town of Shrewsbury, MA.

Congratulations!



OFFICE OF CAMPAIGN & POLITICAL FINANCE

Year-end filing reminder from the Office of Campaign and Political Finance

We know you’re in the middle of a busy state election season, but we wanted to give you a quick reminder that your local candidates have one more campaign finance reporting responsibility for activity in 2010.

All incumbents (whether they were on the ballot this year or not) and any other candidate organized with you that has cash remaining or liabilities outstanding must file a 2010 year-end report. The year-end report is due on Jan. 20, 2011.

The year-end report discloses activity from the day after the last reporting period date until Dec. 31, 2010. An incumbent who was not on the ballot in 2010 would have reporting dates of Jan. 1 to Dec. 31.

As always, please call OCPF at 617-979-8300 with any questions.

NOW THAT THE VITALS BILL IS LAW...

Now that the Vitals Bill is law (or will be in 90 days), what does it mean?

1. It is now legal to produce certified copies of vital records from information contained in a database. Previously, the law technically restricted certified copies to information contained in paper documents observed by a Clerk. Now, the state can produce a database (from the information contained in the paper copies for past records and from data from future events) and allow Clerks to create certified copies from it.
2. Clerks are now technical custodians of vital records statewide. Whereas we could certify for occurrence events or residence events, we will be able to certify for all events statewide. There will be no resident copies sent to communities, since everyone will be able to produce a copy for a resident. I was born in Boston to Winthrop parents and now live in Plymouth. I shall be able to get a copy of my birth certificate not only in Boston or Winthrop, but in Plymouth or even in Savoy if I was camping there.
3. There will be one legal format for each type of vital record in the state database. Massachusetts residents have had a problem with acceptance of birth certificates especially when they use them out of state. Only certificates from the new system will be legal. The Registry is working on a plan to enable Clerks to purchase safety paper at a reasonable price.
4. There will be one price for certified copies. The Registrar will determine the price, so each community will charge the same.
5. The Registry will filter birth records with death records and will note on birth certificates when the subject is deceased. This will make identity theft much more difficult.
6. Processes dealing with registration of vital record events will become far more computerized. Hospitals will communicate electronically with birthing community Clerks. Those Clerks will communicate similarly with the Registry. Doctors will send cause of death to funeral directors over the net, funeral directors will add their data and send to Clerks, and Clerks will send finished certificates to the state. As a result, instead of a two month lag in data getting to the state, it will be more like two days. It will be nice to learn of a flu epidemic as it is happening rather than eight weeks afterwards.
7. The Registry will be able to meet deadlines imposed by federal agencies for reporting. This has large financial implications for the state.

So, what happens when?

The Registry is in the late stages of testing the births component of VIP (Vitals Information Program, I think – the successor to EVitals). They expect it to be in place by January 1, 2011, for local events and at a later date for us to certify statewide. The deaths component is tentatively scheduled for January 1, 2012, and marriages for January 1, 2013. The first date is reasonably firm; the next two depend on how well the births section plays out. The Registry has already scheduled training for birthing hospital communities, and is working diligently on the rest of the state.

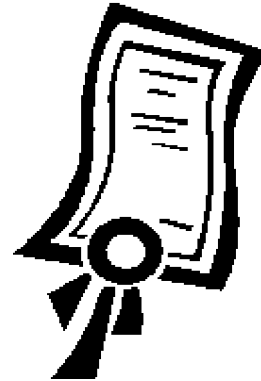
I shall be in Williamstown, and Registry people will be there as well, and will be happy to answer questions then. Or now. Questions?

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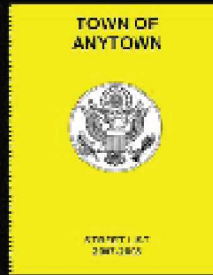
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**Massachusetts Town Clerk's Association
Business Meeting
The Wequassett Inn Resort & Golf Club
June 3, 2010**

Tedi Eaton, President of the Massachusetts Town Clerks' Association, called the meeting to order at 12:47 p.m.

Anita Doucette offered greetings from the Town of Harwich.

SECRETARY'S REPORT

A motion was made and seconded to accept the minutes from the Winter Conference held at the Sturbridge Host & Conference Center on January 28, 2010.

Motion was carried.

TREASURER'S REPORT

Treasurer Andy Dowd distributed copies of the Budget -v- Actual report. The report shows that we are already exceeding income projections. Income from this conference has not been included yet. Although expenses for this conference are not reflected yet, it is anticipated that they will be considerable.

Andy reported that the proposed FY11 budget will address the large balance. The Executive Board voted unanimously to take the recommendation of the Budget Committee and reduce dues by approximately 25% based on the community's population. The Budget Committee's view is that it neither makes sense to carry a large balance, nor is it appropriate. Conference Registration fees will remain at the current level. It is hoped that this combination will help the association maintain a more appropriate balance.

Andy also pointed out that money budgeted for scholarships had not been expended and encouraged the membership to take advantage.

A motion was made and seconded to approve the Treasurer's report. The motion carried unanimously.

FIRST VICE PRESIDENT'S REPORT

Donna encouraged conference attendees to visit with each of the 23 vendors and learn about their services and products. Drawings will be held later for prizes for those who have visited vendors.

Donna took the opportunity to reiterate Andy's comments about scholarships. She explained that the Scholarship Committee votes to award scholarships for MTCA conferences as well as the New England Municipal Clerk Institute & Academy. Awards sometimes exceed the budgeted amount for one conference but not for another. Donna encouraged clerks to look for the scholarship applications and to take advantage.

SECOND VICE PRESIDENT'S REPORT

Nancy Blackmer welcomed everyone to the conference and invited them to complete a conference survey.

Barbara LaBombard was asked to come forward to make CMMC presentations to Joseph Powers of Braintree, Linda Ramsdell of Ashburnham, and Joyce Green of Hubbardston.

Evelyn Bird from Windsor, Nancy Butler from Plympton, Jean McGillicuddy from Carver, and Anita Tekle from Concord received their second recertifications. Wilma McDonald received her fourth CMMC recertification.

CONFERENCE SPEAKER

- Steve Roche presented a legislative update to the conference attendees.
- The Senate is going to release an extended gaming bill which will not include slot machines at the race track. The bill includes three independent free standing casinos, one of which will be owned and operated by an American Native group.
- Steve reported that the Senate President supports a health care containment package.
- Congress is about to pass a workers bill which will extend unemployment insurance, with \$700 million for Massachusetts. Senate Ways and Means announced that if this cannot be resolved there will be cuts everywhere. There has already been a 4% cut but there could be more.
- Many have asked about an amendment in the senate budget to extend the implementation date for Open meeting Law. Steve said that as long as the Attorney General is okay with it we hope it will pass.
- Senate 344 is currently in limbo.
- An amendment to introduce an ID requirement was defeated.
- There is a big push on getting the vitals bill moving.
- Dog control laws went from House to Senate without the surcharge; currently in House Ways and Means with a move to push it out in 6 or 7 weeks.
- Received reimbursement from special elections. Problem is other communities are getting whacked with special elections. There is a pot of money but it only covers the Secretary of State's costs.
- Propose work on a bill which gets cities and towns reimbursed for their costs for special elections.
- Absentee voting at will is still floating around.

Jimmy asked where we are on Election Day Registration. Steve said it is gone. Steve was also asked about the bill which would allow 16 ½ year olds to register to vote. Steve said it is in a position where it could move but there are so many other things going on at this time. Steve said that the bill is being watched and that they are ready to deal with it.

Russ Malone thanked the Town Clerks association for their work on conferences. The City Clerk's association was able to give eight scholarships this year and they are hoping to do more next year.

Russ said a great "doowop" band would be performing after the banquet and thanked the Town Clerk's association for inviting them.

Tedi invited all the new clerks to come to the front of the room and introduce themselves. Tedi announced that there would be a Legislative Committee meeting at Kathy Nagle's house. The FAST meeting is at 4:30 p.m. in the Children's Center.

Tedi thanked Carol Marple for printing the conference brochure. She also thanked everyone on the Education Committee for developing courses and Kaari Mai Tari for the new class registration program.

Tedi also thanked Barbara for her work as Certification Administrator, Nancy Blackmer for conference management, and Donna for her work with scholarships and vendors.

Tedi pointed out that many people help to make conferences happen, and thanked all the Clerks for attending.

The meeting voted to adjourn at 1:33 p.m.

MTCA CONFERENCE SCHEDULES 2010 - 2011

MTCA	FALL CONFERENCE SEPTEMBER 29, 30 & OCTOBER 1, 2010 WILLIAMS INN WILLIAMSTOWN, MA	NEATC	43 rd ANNUAL CONFERENCE NOVEMBER 17, 18 & 19, 2010 HAWTHORNE HOTEL SALEM, MA
MTCA	WINTER CONFERENCE FEBRUARY 2, 3, & 4, 2011 STURBRIDGE HOST HOTEL STURBRIDGE, MA		



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SIMULATION TRAINING FOR WESTERN MA CLERKS

The Secretary of the Commonwealth's Office will be offering reprecincting assistance in the upcoming year. Specifically, they will be offering Simulation Training at the Western Massachusetts Clerks Conference on Thursday, September 30th, 2010.

We encourage all Western Massachusetts clerks whose communities are or will be Multi-Precinct to take advantage of this opportunity while they are in the area. Although preference will be given to Western MA Clerk's at this conference, there will be 9 other regional opportunities to meet one on one with their reprecincting team. These will take place October 5th through December 14th. Details on these will be in a mailing to follow.

Municipality	County	Current Precincts
Adams town	Berkshire	5
Amherst town	Hampshire	10
Belchertown town	Hampshire	4
Dalton town	Berkshire	2
East Longmeadow town	Hampden	4
Easthampton city	Hampshire	5
Granby town	Hampshire	1
Great Barrington town	Berkshire	4
Greenfield town	Franklin	9
Lee town	Berkshire	6
Longmeadow town	Hampden	5
Ludlow town	Hampden	6
Monson town	Hampden	3
Montague town	Franklin	6
Orange town	Franklin	2
Palmer town	Hampden	4
South Hadley town	Hampshire	5
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Southwick town	Hampden	3
Ware town	Hampshire	3
Wilbraham town	Hampden	4
Williamstown town	Berkshire	3

John Barr

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SEPTEMBER 2010

Saturday	Sept. 18	Yom Kippur
Thursday	Sept. 23	Autumn Begins



OCTOBER 2010

Monday	Oct. 11	Columbus Day
Sunday	Oct. 31	Halloween



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