



## *Massachusetts Town Clerks' Association*

# *The Public Recorder*

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**From the President, Donna Hooper**

### **Advocating & Educating... the Professional Town Clerk**

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**T**he fate of special elections in 2013 is yet to be established. We do know, however, that after completing a busy election year in 2012, special elections are just around the corner. It's likely to be a lengthy process over the upcoming months.

I expect as Clerks we were looking forward to a quieter 2013 but, with special elections upon us, I've come to conclude that special circumstances are to be expected as governmental norms. Tragic accidents, extreme weather conditions, and other disasters and unusual situations confronted by our communities are dealt with as a matter of course and those involved in these situations garner the respect and appreciation of their colleagues and the citizenry.

Clerks, in dealing with special elections, are often confronted with not only acting as chief election official and the conduct of the election, but also in identifying and advocating for the funds and resources to do so.

The challenges confronted in fulfilling responsibilities as Town Clerk/Election Official, and gaining the respect of our professional colleagues and municipalities, can often seem to be an endless battle. The ability to clearly and objectively present the value of and need to have the resources deemed necessary to fulfill these responsibilities is critical. The importance in doing so in a professional manner that allows for

an open conversation on the opportunities for meeting the needs as identified by Clerk, the professionals charged with the responsibilities, cannot be overstated. The Town Clerk is charged not just with identifying the needs, but with conveying the solutions as we have identified them to be, and working with the other decision makers in our communities to arrive at the best possible solutions. In collaborating with, and supporting fellow colleagues in a positive and constructive manner, we help to develop their support and understanding for our positions.

As we continue to educate on the responsibilities of the position of Town Clerk, and advocate in a professional manner that recognizes the challenges confronted by our communities, the respect and support for the position of Town Clerk is strengthened.

Maintaining a positive approach in our capacity of Town Clerk is one of the first steps in receiving positive results even in less than favorable circumstances, including managing the special state elections during this 'off year'. Good luck to all.

## MTCA LEGISLATIVE COMMITTEE REPORT

### by Laurence R. Pizer, Chairman

Wow! I have one month for which to write the Legislative Agent report, and it is this one! Lots to report!

First, after receiving a report from the Committee designated to interview Legislative Agents, the Executive Board chose its own direction. Our new Legislative Agent is Thomas Joyce of Joyce and Joyce in Boston. Mr. Joyce has worked as a lobbyist for many years, having worked with his father, who founded the firm. He now partners with his daughter at Joyce and Joyce. He represents some very large clients, including Entergy, owner of the Pilgrim Nuclear Power Plant. He will have to hit the ground running since his first meeting with the Legislative Committee is on January 8, and the deadline to submit bills is less than two weeks later. The MTCA membership will meet him in Sturbridge, and you will be reading his reports hereafter in the Recorder.

Next, the Legislative Committee met in December to rough out our legislative agenda for 2013. Having planned the meeting at the office of our previous Legislative Agent with an invitation to the Director of Elections, after the EBoard's determination to change Legislative Agents, we got to meet at the offices of the Elections Division with both the Director and her Counsel. It was rather productive to have the opportunity to discuss elections issues with the Elections Division.

- For several sessions, MTCA has proposed elimination of the Checkout Table. Michelle Tassinari made it clear that the Secretary is opposed to elimination, and the Legislative Committee determined to remove the proposal from our agenda.
- The Secretary and the MTCA agree on the value of a Task Force for election laws. The Secretary is planning to file legislation to accomplish this, so the only question is one of coordination.
- The Secretary has not stated opposition to elimination of the Cancellation Device. While we were on the subject of election equipment, Michelle mentioned that the group voting requirement was a major hurdle in the certification of new voting machines for Massachusetts. This brought up the question of Town Committees on the ballot during Presidential

Primaries. The Elections Division is investigating.

- The meeting occurred before Senator Kerry's nomination for Secretary of State, so the discussion about the gap between the Primary and the General Election dealt with what is now the September primary. See below for a discussion about the expected primary and election to replace Senator Kerry. The MOVE (Military and Overseas Voter Empowerment) Act requires a minimum of 45 days between the time ballots are distributed to Local Election Officials (and are sent to UOCACA voters). Therefore, the Secretary expects to recommend a change to the date of the biennial primary. Michelle asked us to provide her with a suggestion, which we can develop at Sturbridge.
- The Committee brought up the issue of prohibiting town elections on the day of the presidential election. Michelle said that this was something the Secretary would not initiate, so MTCA will have to decide whether to go forward.
- The Committee brought up our proposal for a bill to allow a vote in a municipal election to qualify as taking care of the identification requirement for voters who registered by mail but did not provide an acceptable Social Security or Drivers License number. Michelle said that her research suggested that a vote in a municipal election already qualified in that regard.
- The issue of permitting the state to respond to some voter data requests arose. Michelle agreed that the original agreement limited the state severely in what it could do. She believed that some Clerks felt at the time that the State would be taking funds that should go to municipalities. She wondered if Clerks continued to feel that way. The Committee agreed to poll the Clerks as to their preference.
- The Committee brought up the process for mailed ballots. Michelle reported that the Elections Division is looking into technology that would make emailed voting more secure.
- The Committee asked about the Secretary's stance on our bill to make the street list private. Michelle recommended that our bill clarify "official municipal purposes."

***Legislative Committee Report cont.***

- Michelle reported that the Secretary was planning to file bills in three areas:
  - o Mandatory training for Local Election Officials
  - o An expanded address confidentiality program for voters
  - o Emergency powers legislation to address disaster authority of SOC for administration of elections.

After that satisfying meeting, Elections Division staff departed and the Committee discussed proposals for the Legislative Agenda for MTCA.

The following six bills are our proposal for filing:

1. Elections Taskforce – File MTCA bill for broad election reform task force. We agreed further to monitor the Secretary's bill if filed.
2. Elimination of Cancellation Device – refile
3. Bill to prohibit local special election on State election dates – MTCA to draft and file
4. Street List – exempt from Public records except for government uses – review language and refile
5. Election Training bill – new bill – MTCA to file
6. Reimburse Local costs of Special Elections for legislative seats – refile

The Committee voted to watch bills for setting the date for state primaries

The Committee agreed not to refile our bill for identification in local elections to count for the mail-in registration requirement.

The Committee considered a proposal to force state veterinarians to adopt a single form for rabies certificates. The Committee agreed that the goal is a good one, but a better way of proceeding would be administratively.

The Committee also took up the suggestion of an MTCA member to change the Freedom of Information Act deadline for reply from ten days to ten business days. It determined that there was little likelihood of success, and voted not to make the matter part of the MTCA agenda.

MTCA will move forward finishing the transition to our new Legislative Agent. See you at Sturbridge.

The MOVE Act made the law dealing with replacement of a resigned US Senator obsolete, but the change must be initiated by the legislature. Under the present law, the time between a primary and an election do not meet federal requirements. While the Secretary has some ideas on the subject, it is necessary to wait until Senator Kerry resigns before going to the Legislature to make changes. We shall ask the Secretary to include in the legislation permission for municipalities that have local elections within thirty days of the special elections to piggyback, that is to say, to have double elections on one day. We are asking that the legislation require approval both by the Board of Selectmen AND the Town Clerk.

Because the MOVE Act affects the traditional date for State Primaries, the Elections Division has asked for a recommendation from Town Clerks as to a better date. They are using eight weeks as the minimum interval. Sadly, there are no non-painful times, but the Legislative Committee plans to make a presentation at Sturbridge fleshing out the possibilities and then polling members for their preference.

- Eight weeks before the November election date would be the first or second week in September. In years when it falls in the first week in September, it would be the day after Labor Day.
- Late August – Schools are not yet open. Poll workers might still be on vacation.
- July and mid-August – See above but moreso.
- June – It might conflict with some local elections, and unless it was early in the month, schools might be closed. Non-air-conditioned buildings might present a challenge.

Remember, while the Elections Division is interested in our input, the final decision rests with the Legislature, and their members have their own criteria. Give this some thought, and we can conduct the discussion in February.

## AN APPRECIATION OF STEPHEN G. ROCHE, LEGISLATIVE AGENT

### By Laurence R. Pizer, Chair, Legislative Committee

For more than two decades Steve Roche has served the Massachusetts Town Clerks' Association as our Legislative Agent. After a short experiment with a former legislator as our Agent, we turned to Steve in 1990.

Steve grew up in New Jersey and graduated from Gettysburg College, where he played football and prepared for law school. He received his law degree from Suffolk University in Boston. He originally came to Massachusetts to campaign for his brother, who was a State Representative from Springfield. Steve worked for the Mayor of Springfield, and later joined the office of Secretary of the Commonwealth, Michael Joseph Connolly, for whom he became the Supervisor of Public Records.

Steve left the Secretary's office to form Roche Government Services, which became the Victory Group in 1997.

Steve had a leg up on learning about Clerk work from his time with the Secretary's Office, but he quickly expanded his knowledge of our many responsibilities. A meeting with any legislator, Steve, and a group of Clerks was an exchange of information among equals. I never heard Steve confused on one of our issues.

Randall Hanson, retired Town Clerk from Andover and Legislative Chair for almost a decade, joined by Elizabeth Carey, retired Town Clerk from Tewksbury and Legislative Chair preceding Randy wrote the following:

I was a member of the MTCA Legislative Committee when Steve signed a contract to be our lobbyist. From the get-go, he assimilated into our team seamlessly. Since he had worked for Michael Connolly, Secretary of State in the early 1990's, he had a knowledge of the duties and responsibilities of the Town Clerk and of the challenges we faced that needed to be adjusted to

make our jobs more efficient and customer friendly.

We hit the road running as soon as he came on board and never looked back. It was hard work and extremely time consuming. Steve was always a phone call away and when a bill of ours started to move, at a "drop of a hat," he would contact us and we would get the word out to our members to push the legislation. Steve was also very effective in coaching us to testify before hearings, or when he was testifying on our behalf.

Steve was loyal and had a great respect for the MTCA and its members. As I worked on the committee and eventually became chairperson, I relied not only on his awareness of our functions, but his uncanny lobbying expertise and knowledge of the legislative process. He was well connected and tireless in his pursuit of our goals.

Through his work and dogged determination we had many seats on the Committee to assist the Secretary of the Commonwealth, William Galvin, in passing the "Motor Voter Law" which in turn launched the VRIS. Our team worked years on some issues, the Vitals bill comes to mind, but sometimes a bill would just "pop out" of a committee and we were able to be there on the hill with tremendous support from Steve and his staff. When we became discouraged about our legislative agenda, Steve was always there to remind us the House and Senate filed about 10,000 bills a year and we just needed to keep plugging along and we did.

*continued next page*

### **An Appreciation of Stephen Roche, cont.**

Another piece of legislation he helped pass was the "Unenrolled" bill. This was a bill I was particularly interested in from the beginning of my tenure, as I could not justify the cost of handling the enormous number of party change cards and voter list changes that went with the process. It was a happy day for town clerks when Steve helped us achieve that legislative goal.

No one ever understands the work of the Town Clerk unless they come into the offices and actually perform our many tasks. No one will ever understand the enormous contribution that Steve Roche is leaving on the table as his legacy. We were a great team. The MTCA is better for having had you as our Lobbyist. Thank you my friend.

Mary Lou Murzyn, Town Clerk of Kingston and Chair of the Legislative Committee for over five years reminded clerks of some of Steve's accomplishments during her tenure as chair.

Thanks, Steve, for the memories, your tireless efforts, support and guidance on behalf of the MTCA, and your friendship:

- Passage of legislation requiring 2-step process (town meeting vote and ballot) to eliminate an elected position
- Passage of legislation allowing additional compensation of a Town Clerk upon certification
- Passage of legislation allowing for paid Asst. Town Clerks in "FAST" communities
- Passage of legislation allowing for the destruction of unused ballots
- Passage of legislation allowing for an increase in JP fees
- Passage of legislation eliminat-

ing premarital blood tests

- Passage of the "Unenrolled Bill" removing the requirement for party change cards after primaries
- Countless meetings with state officials in dealing with proposed legislation and its implementation regarding same sex marriage, the Vitals Bill and related Public Records and genealogy issues

What is probably Steve's crowning achievement during his time with Town Clerks is passage of the Vitals Bill. More than a decade and a half in the making, Steve's solid understanding both of the legislative process and of administrative frameworks girding state government made passage possible. Getting the Department of Public Health to sign on to the effort was a gargantuan task despite the constant support of the Registry of Vital Records. Processes within state government required DPH to get permission from the governor before it could make its support public, and Massachusetts had a variety of governors, each with his or her own style during the sixteen years. Steve gauged opposition from genealogists, the press, some Clerks worried about fees, and others, and helped fashion a bill that would minimize enemies and then isolate those who would not cooperate. In what turned out to be the final push, Steve's connections on the House Ways and Means Committee gave Clerks the opportunity to counter several hundred emails from genealogists that threatened to sink the bill.

On the flip side, Steve helped us avoid surcharges on marriage certificates and dog licenses. Legislators with a focus on their own goals sometimes need guidance to see the larger picture. I particularly remember a meeting with a Senator and her staff dealing with the dog license surcharge. The meeting was an exchange of views of opposing parties. What is memorable is that our view finally prevailed, and the Senator remains a friend to and respectful of Town Clerks. Steve arranged for the meeting and coached the attending Clerks.

We owe a debt of gratitude to Stephen G. Roche, Esq., President of the Victory Group. His assistance to Clerks in passing useful legislation and in avoiding laws not helpful to us or our Towns is his legacy.



## REGISTRY OF VITAL RECORDS & STATISTICS NEW DIRECTOR OF REGISTRATION

Alex Forman is the new Director of Registration for the Registry of Vital Records & Statistics, Massachusetts Department of Public Health. He is in charge of running the department that enters data from vital records submitted by town clerks, hospitals, and funeral directors.

His background is in hospital administration; quality, risk management, patient and staff safety. He has a Masters in Public Administration with a concentration in Healthcare Administration from Long Island University in New York.

"I also want to encourage everyone to call the RVRS with any questions or issues with the VIP system or anything related to procedural issues when completing forms going to RVRS – no matter how benign. In my short time here, the few errors I've seen have

been varied across a wide spectrum – nothing repetitive enough to really put together a list of FAQ's. For now I would just remind folks entering birth data to double check that what's on your paperwork matches what's in the VIP system before submitting.

I'm looking forward to meeting you next month in Sturbridge – we will be bringing some educational materials then."

Take care,  
Alex

Phone - 617-740-2625

Email: alex.forman@state.ma.us

WELCOME ALEX!!



### MTCA CONFERENCES

2013

#### MTCA WINTER CONFERENCE



Sturbridge Host Hotel  
February 6 - 8, 2013

[www.sturbridgehosthotel.com](http://www.sturbridgehosthotel.com)



#### MTCA SUMMER CONFERENCE



SeaCrest Beach Hotel  
June 5 - 7, 2013

[www.seacrestbeachhotel.com](http://www.seacrestbeachhotel.com)

#### MTCA FALL CONFERENCE



Jiminy Peak Mountain Resort  
October 2 - 4, 2013

[www.jiminypeak.com](http://www.jiminypeak.com)

**NEW ENGLAND MUNICIPAL CLERK INSTITUTE & ACADEMY  
@ Plymouth State University, Plymouth, NH  
July 13-19, 2013  
2013 Scholarship Application Procedures**

**By Nancy M. Blackmer, MTCA Scholarship Chair**

The 2013 New England Municipal Clerk Institute & Academy returns July 13-19, 2013 to Plymouth State University, Plymouth, NH. 2013 promises to be another exciting year for the NEMCI.

NEACTC members planning to attend the Institute or Academy are advised the deadline for applying for a scholarship is **Friday, March 15, 2013.**

All applications will be reviewed by Scholarship Committee members Nancy Blackmer (Orange), Marlene Chused (Sharon) and Sandra Burgess (Amherst). Applicants will receive notification of award, to be followed by announcements at the June 2013 MTCA conference.

In awarding scholarships to attend the New England Municipal Clerk Institute & Academy, the MTCA gives preference to first-time students.

Scholarships to attend the Institute are also funded by the state associations, New England Association of City and Town Clerks, and the New England Municipal Clerks Institute. Scholarship applications will be funded at the state level and forwarded to NEACTC for further funding if needed.

The application will be in the February Public Recorder. Be sure to print it and return it before the deadline.

**Application Deadline: Friday, March 15, 2013!**

**Submit scholarship application to:**

MTCA Scholarship Committee  
c/o Nancy M. Blackmer  
6 Prospect St.  
Orange, MA 01364  
townclerk@townoforange.org  
Phone: 978-544-1100, ext. 101; Fax: 978-544-1134

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# Newsletter of the MTCA

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## **The Public Recorder**

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