



Massachusetts Town Clerks' Association

The Public Recorder

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From the President, Nancy M. Blackmer

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Summer is over and we are getting ready for our Fall Conference at Jiminy Peak. The dates are October 2-4. If you are planning on attending, make sure you have registered online for your classes and sent your registration to Barbara LaBombard. Hopefully we will have nice weather so we can go to the top of the mountain.

Some towns are preparing for another round of special elections. Good luck to you and as someone always says, may the winners win big.

The Mass. Town Clerks' Association website is up and running. Please remember to check it out and if your local county association has a meeting, be sure to contact Amy Warfield from Burlington (awarfield@burlmass.org) to have it included on the website. Amy is putting information about our conferences, as well as the New England Association of City and Town Clerks conference on the website. There is a lot of information in the Members Only section – that is where the handouts for the conferences can be found. There is a Clerk's Reference Library which has helpful information. As surveys are done, the results will be posted there as well. If you have not been on the site, take a few minutes to check it out. If you are having trouble signing on, contact Amy for help.

The Communications Committee has been working hard to get this site up and running. If you have suggestions on things

you would like to see on the site, please let a member of the Committee know. There are links to our vendors on the site as well, please support them because they support us.

The E-Board has voted to look into applying for CMC/MMC credit through the IIMC for some of our classes at the state conferences. If you are working towards earning either of those certifications, watch for that at future conferences.

The MTCA is a great organization. It has become great because of our members and their willingness to support it. If you are willing to serve on one of our many committees, please contact us and let us know your interest. It is a very rewarding experience to be able to give back to the Association. Some jobs require more work than others, but if you are interested, we can find something that will suit your availability.

I look forward to seeing many of you at Jiminy Peak in October.



BEACON HILL REPORT

by Thomas Joyce, Esq.

I am extremely pleased to report that this past week the joint Committee on Election Laws finished crafting a landmark elections bill and reported it favorably into the House. This proposal includes the framework for online voter registration; a test case for early voting during the 2016 Presidential elections, which requires a commission including the MTCA in a prominent role to examine the experiment and make recommendations; our implementation task force legislation, with a minor change actually giving the MTCA a bigger seat at the table; our bill that establishes guidelines for the education of election personnel; and lastly our proposal to eliminate the requirement for cancellation devices. In my decades of lobbying I have rarely been involved in the crafting of such an inclusive document. If and when this bill becomes law the MTCA will have a formal voice in legislation for years to come.

Getting to this point has been an education, not just for me but for the members of the Election Laws Committee and Legislative leadership as well. Although over 100 bills dealing with the administration of elections are before the committee, this carefully crafted proposal, H3647, is based upon 6 bills of which 3 are MTCA proposals. To be certain, the

groups advocating early voting for all elections with much expanded hours including nights and weekends, the right to conduct random audits, establish online voting, require voter registration of 16 year olds and permitting 17 year olds to vote will not be pleased with this streamlined proposal.

The Committee, led by its Chairmen Representative James Murphy of Weymouth and Senator Barry Finegold of Andover deserves our applause and support for a job well done. You should note that this bill is far different than the one voted out of the committee last session. This bill clearly recognizes the MTCA as a valuable resource in implementing public policy dealing with the administration of elections. Although this is only the start of the legislative process I will work tirelessly to assure that changes to this bill going forward are limited.

MTCA CONFERENCES

2013	2014
<i>MTCA FALL CONFERENCE</i> Jiminy Peak Mountain Resort Hancock, MA October 2 - 4, 2013	<i>MTCA CONFERENCE</i> Sturbridge Host Hotel Sturbridge, MA February 5 - 7, 2014
<i>NEACTC CONFERENCE</i> Holiday Inn by the Bay Portland, Maine November 13 - 15, 2013	<i>MTCA SUMMER CONFERENCE</i> Sea Crest Beach Resort (Tentative) N. Falmouth, MA June 11 - 13, 2014

WHAT HOUSE BILL 3647 MEANS TO TOWN CLERKS

**By Joe Powers, Braintree Town Clerk
Chairman, MTCA Legislative Committee**

Building on Tom Joyce's BEACON HILL REPORT for this edition of the Public Recorder, I want to offer some insights and thoughts on House Bill 3647. It is important to note that both the Legislative Committee and the Executive Board separately discussed the bill and both groups voted unanimously to endorse it.

First, the particulars of the bill itself; there are nine sections within this bill that break down as follows:

Sections 1, 6 and 8 are the three priority bills that we have sponsored relative to Election Laws. Section 1 accomplishes our training bill (H.611), Section 6 accomplishes our eliminating cancellation devices bill (H. 609), and Section 8 establishes the Election Laws Implementation Task Force for which we have been advocating (H. 610).

Sections 2, 3, and 4 pertain to the creation, implementation and regulation of an online registration portal.

Sections 5, 7 and 9 pertain to early voting (Sec. 5), a Task Force relative to early voting (Sec. 7) and the effect dates of both (Sec. 9)

In my opinion, this legislation, if adopted, will be ground-breaking, landmark legislation that accomplishes much of what we have been advocating for years while radically changing the way people can vote in presidential primaries and elections in 2016. This radical change, however, is offset by the establishment of a task force which literally gives the MTCA a seat at the table.

To be clear, House Bill 3647 is legislation; it is not a blueprint for how items will be achieved, regulated or managed. However, this legislation accomplishes every legislative item that we have pertaining to election laws and election administration. Not only is that no small feat, it is unprecedented.

Without this legislation, we have no voice, we have no seat at the table and we have no chance of advancing our efforts on election administration. That means any number of areas of concern that we have pertaining to early voting (and I've already identified

several myself) will be left to chance. House Bill 3647 gives us the voice, the seat and the ability to offer our professional expertise to make voting better for our Commonwealth.

House Bill 3647 gives us everything we have asked for and creates an additional task force with us at the forefront.

As an association, we have a unique opportunity to be heard by the Legislature. House Bill 3647 provides us that opportunity. Your Legislative Committee and Executive Board will continue to provide updates and communication on this important legislation.

OFFICE OF THE ATTORNEY GENERAL

DIVISION OF OPEN GOVERNMENT

The Office of the Attorney General recently revised the Open Meeting Law Guide. The updated Guide may be found here: <http://www.mass.gov/ago/docs/government/oml/oml-guide.pdf>

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ELECTIONS DIVISION INITIATIVE PETITION REMINDERS

INITIATIVE PETITION REMINDERS

Along with football and apple picking, initiative petition season is upon us! We wanted to share a few reminders to help you through the process. The first round of petitioning has begun with the petitioners picking up their forms on Friday, September 13th. Accordingly, you may start to see them being submitted to your offices soon.

Deadlines

The deadline to submit initiative petitions for the certification of signatures is 5pm on Wednesday, November 20th. Please note, your offices must remain open **until 5 pm** or make alternate arrangements. If you make alternate arrangements, please provide clear instructions to whoever will be accepting the petitions. They must be able to provide a receipt to the person submitting the petitions, time stamp each sheet and cross off any unused signature lines. Also, if you make alternate arrangements, be sure to post a notice at your office as to where the petitions can be filed. If the entire building is locked, post the notice on an outer door. If possible, please leave the information on your answering machine message as well. At least this year the deadline does NOT fall on the day before Thanksgiving!!!

You must complete certification on initiative petitions by 5pm on Monday, December 2nd.

Receiving Petitions

All initiative petitions must be marked with the date and time received. When taking in petitions, please use the "Registrar Use Only" box to mark the date and time the petitions are received. You may use the "Registrar Use Only" box to make any other notations that may be useful, such as the name and phone number of the person submitting the petitions or the number of petitions received. However, you can only make such notations in that box. If you write names or add numbers to the petitions in any other location on the petitions, they may be disqualified (or we may call you to confirm if it was you and then request a written explanation to keep with the petitions). Please remember, that any writing you do on the petitions must be in RED INK!

Unused Signature Lines

When receiving petitions, you must draw a line through any unused signature lines. It is sufficient to draw a large "X" across all of the lines and you do not need to draw a horizontal line through each unused space. This should be done while the filer is waiting and before a receipt is issued.

Issuing Receipts

It is extremely important to insure that the person submitting the petitions is provided with a receipt showing the number of pages submitted and the name and contact information, including telephone number, of the person filing the petitions. A copy should be provided to the filer and one kept with the petitions.

Petitions in VRIS

All of the petitions have been entered into VRIS. There are currently 12 circulating. The letter designation for each petition appears on the bottom right corner (both on the front and back) of each petition sheet.

Here is the list of petitions with their Pet/Nom ID #s:

A: Relative to the Provision of Health Insurance (Constitutional Amendment) # 124613
 B: Patient Safety Act (Law) # 124602
 C: Repeal 2013 Gas Tax Indexing (Law) # 124603
 D: Repeal Computer Software Tax (Law) # 124604
 E: Updating the Bottle Bill (Law) # 124605
 F: People's Right of Self Government (Constitutional Amendment) # 124614
 G: Relative to Earned Sick Time (Law) #124606
 H: Raising Minimum Wage (Law) # 125607
 I: Family Sunshine Protection Act (Law) # 125608
 J: Relative to the MA National Guard (Constitutional Amendment) # 124615
 K: New Hire Incentive (Law) # 125609
 L: Relative to Sales Tax (Law) # 125610
 M: Whale Safe Fishing Act (Law) # 125611
 N: Limit Hospital Operating Margins and CEO Comp (Law) # 124612
 O: Corporations are not People (Constitutional Amendment) # 124616

Initiative Petition Reminders (cont.)

Please note that A, F, J and O are for constitutional amendments and therefore are listed for the 2016 election.

PUBLIC RECORDS STATUS OF INITIATIVE PETITIONS

Pursuant to 950 CMR § 48.08, state ballot question petitions submitted to you for certification ARE NOT PUBLIC RECORDS. Accordingly, persons cannot make photocopies of or view petitions submitted to you for certification.

RETURN OF CERTIFIED NOMINATION PAPERS OR PETITIONS

When returning the certified petitions, please ensure that you provide the person with the correct peti-

tions. Petitions can only be returned to those persons who present acceptable identification which includes the receipt issued at the time of submission, written authorization signed by, or on the printed letterhead of, the organization sponsoring the petition, telephone authorization by the organization's headquarters or personal recognition by the election official. 950 CMR § 55.04.

Please DO NOT send certified petitions to this Office! Additionally, if the petitioners would like you to return the certified petitions to them via the mail, they must supply you with the necessary materials including envelopes and postage. You should NOT use municipal resources to return petitions.

As always, if you have any questions, please call-- 617-727-2828.

OFFICE OF CAMPAIGN & POLITICAL FINANCE**OCPF phones lines are open to city and town clerks**

City and town clerks have made approximately 270 calls to our office in 2013. Here are a few of the questions you've asked recently, and OCPF's answers.

Q: A mailer went out to town residents about a ballot question, but it did not indicate which group is responsible. How should I proceed?

A: Attribution on mailers is not required by the campaign finance law. If you're asked, please let groups know that attribution is not required but it's a good idea because people expect to see it.

Q: A current selectman wants to close his account when he leaves office. Can he give the balance to the town's general fund?

A: Yes. Residual funds can be donated to a town's general fund, or to a charity, scholarship fund or the state, with some restrictions.

Q: A group of parents pooled their money to buy "vote yes" signs for an upcoming ballot question

election. They didn't know they needed to file anything. What do they need to do?

A: They need to organize a ballot question committee by filing an organizational form with your office. They will also file a M102 report disclosing receipts and expenditures eight days before the election and 30 days afterward.

Q: How long do campaign finance reports need to stay posted to the town's website?

A: Until Dec. 31, six years after the election.

Q: A planning board member is *appointed* and receives an annual stipend. Is it OK for him to solicit campaign contributions?

A: No. He is a public employee and prohibited from soliciting or receiving campaign contributions.

Q: If a filing deadline falls on a weekend or holiday, when is the report due?

A: The next business day.

These questions were taken from OCPF's internal phone log. As always, we encourage you to call our office with questions at 617-979-8300.

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.

CERTIFIED MUNICIPAL CLERKS

I am pleased to inform you that as of today, the following individuals have earned the prestigious Certified Municipal Clerk (CMC) designation from the International Institute of Municipal Clerks (IIMC):

Lillian M. Drane, CMC - Assistant Town Clerk - Town of Lakeville, MA.

Brenda J. McCann, CMC - Assistant Town Clerk - Town of Hopkinton, MA.

Ellen C. Wojcik, CMC - Assistant Town Clerk - Town of Wrentham, MA.

The CMC designation program is designed to enhance the job performance of the Clerk in small and large municipalities. To earn the CMC designation, a Municipal Clerk must attend extensive education programs. The designation also requires pertinent experience in a municipality. The program prepares the participants to meet the challenges of the complex role of the municipal clerks by providing them

with quality education in partnership with 47 institutions of higher learning. The program has been in existence since 1970 and has helped thousands of clerks in various municipalities.

Founded in 1947, IIMC is a professional association with more than 10,000 members in the US, Canada and 15 other countries. IIMC's primary goal is to actively promote the continuing education and professional development of municipal clerks through extensive education programs, certification, recertification, publications, networking, annual conferences and research. IIMC also engages in municipal research administration, enhances critical professional skill development and fosters a spirit of mutual assistance and good fellowship among municipal clerks around the globe. IIMC is governed by a 26-member Board of Directors.

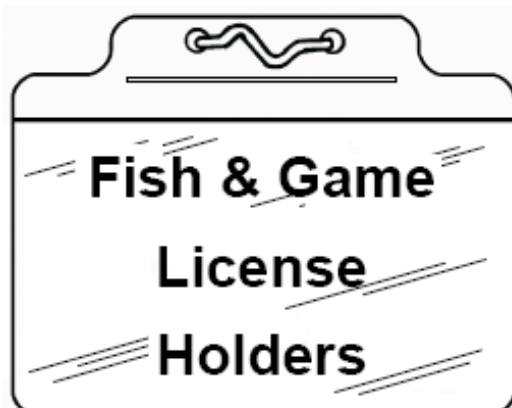
For more information please visit our website at www.iimc.com or contact us at hq@iimc.com or 909-944-4162.

VITALS INFORMATION PROJECT

The Vitals Information Partnership (VIP) Electronic Death Registration system (EDRS) is coming soon! There is still space available for several informational webinars in September. Please join us or pass this schedule on to your death registration partners and colleagues.

Wednesday, September 25, 2013 9:30 AM - 11:30 AM EDT	Electronic Death Registration: Overview and Demo for City and Town Clerks who are not burial agents Overview and demo of the 2014 VIP Death Module for City and Town Clerks who are not burial agents. Other Clerks are welcome to attend, but this session will not cover burial agent enrollment and processing of burial permits.	Preregister: https://www2.gotomeeting.com/register/230858178	General Overview Accounts/ Paperwork Requirements Registering a Record Amending a Record ME Cause of Death Updates Printing Death Certificates Questions
Thursday, September 26, 2013 9:30 AM - 11:30 AM EDT	Electronic Death Registration: Overview and Demo for City and Town Clerks who are also burial agents Overview and demo of the 2014 Death Module for City and Town Clerks who also issue burial permits.	Preregister: https://www2.gotomeeting.com/register/229215450	General Overview Accounts/ Paperwork Requirements Burial Permit Issuing Options Issuing a Burial Permit Registering a Record Amending a Record ME Cause of Death Updates Printing Death Certificates Questions

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Need to know what MTCA classes you have taken?

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- Mary-Ellen Lannon Town Clerk of Winchester

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The Public Recorder

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