

The Public Recorder



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Report of the President # 3 "Communication" by Judy St. Croix

My term as President is almost five months old and it has proven to be very busy. I quickly learned that the responsibilities are equivalent to full-time employment and it became a game of balance when I realized that my duties as town clerk required my equal attention. Taking on many additional tasks are not just about one person, but rather the support, knowledge, experience and dedication of my team including the officers, committee members and our membership at large. I know that this is just a beginning, but I look forward to the challenges ahead.

One of my goals is and has always been communication. It is the key to success and we communicate in many different ways. One of the many hats of the town clerk is public relations. We have a great network in that our newsletter, the Recorder, is printed, published and posted monthly and it is a way of communicating within our Association.

The conferences are also a form of communication. They become more and more important to attend and it is an excellent way to improve your knowledge and skills.

You will network and make many contacts with your fellow clerks and cultivating and maintaining these contacts is a way of communicating. The education programs at the conferences were founded with the objective of promoting and establishing the ever-changing educational needs of clerks as professionals. We hope that you will be joining us at Jiminy Peak this month where the theme of the conference is "Great Expectations."

Another form of communication available to us is the e-mail system on your town computer through the internet, your personal computer, and the CVR. However, many of our small towns do not have access to the web and cannot participate, benefit, and/or share and receive information. Did you know that 130 or 42% of the towns in this State have populations of 6000 or under? "FAST" headed by Lynn Sibley of Whately, is a way that municipal clerks in small town clerks can communicate. You will want to join Lynn as she meets with clerks from small towns at Jiminy Peak at 4:45 PM on Thursday, October 20th.

The MTCA website will soon be the latest way that clerks will be able to communicate. Our site is being designed and will be launched following the N E Town and City Clerks' Association Conference in November.

In what other ways do we communicate? Saying thank you is a form of communication. In the busy world of today, we sometimes forget to say thanks. Finally, let us not forget that we still have a telephone in our office and every once in a while we communicate by having a good conversation with a "live" person.

I know that I speak for all of the MTCA officers and committee members when I say that we are open to discussion on educational, legislative, and other issues and we will continue to communicate our ideas and concerns to our membership in one form or the other.

LOBBYIST REPORT – SEPTEMBER 2005

By Stephen Roche

HEADLINE: “CLERKS’ DAY ON THE HILL - A GREAT SUCCESS”

Those who were there know – over 180 city and town clerks took to the halls of the State House and their presence was felt at an event that far exceeded expectations.

First, I want to extend “kudos” to MTCA President Judy St. Croix and the MTCA Day on the Hill Committee. It was an interesting and well planned event that featured comments from several key State House players, including Secretary Bill Galvin, the co-chairmen of the Elections Laws Committee, and a number of other state legislators.

Secretary Galvin addressed all of the good work that he and the clerks have done together in tackling issues from the motor voter law to HAVA to current efforts to select the best equipment for handicapped voters. He acknowledged that there are many issues pending on Beacon Hill that must also be addressed in a joint, cooperative manner with clerks. Lastly, he committed to producing an updated Elections Manual by the end of 2005. This announcement was met with much applause.

The Senate Chairman of Election laws, Senator Ed Augustus, reinforced commitments made to the MTCA Legislative Committee and me to work closely with the clerks in addressing several matters pending before his committee, including same-day voter registration and early voting. Senator Augustus assured us that these issues will be addressed in a comprehensive approach, not in a “piece-meal” manner.

Also speaking was Representative Alice Peisch, the former Town Clerk of Wellesley. Rep. Peisch reinforced how important it is for state legislators to hear from town clerks on a variety of issues, ranging from public records to elections. She suggested that clerks return to Beacon Hill on a regular basis, perhaps yearly.

Other speakers included Rep. Anthony Petrucci, House Chairman of Elections Laws, Senator Jarrett Barrios, Senate Chairman of the Public Safety & Homeland Security, and Representatives James Eldridge, Peter Koutoujian, and Thomas O’Brien.

We also presented Rep. Robert DeLeo, the House budget chairman, with his award in recognition for being such a strong supporter of the MTCA.

All in all, the MTCA had a great day. Many clerks suggested to me that a “Day on the Hill” be held annually.

AT-WILL ABSENTEE VOTING UPDATE.

The House and Senate met in joint session on September 14th, as planned. However, the Constitutional Convention did not address Senate 2034, the proposed constitutional amendment to wipe out current categories allowing absentee voting and vest the power to decide who can vote absentee with the General Court and Governor. Action on Senate 2034 was postponed until May 2006.

GAY MARRIAGE UPDATE.

The only issue debated and voted at the September 14th CON-CON was same-sex marriage. As I am sure you know, the proposed amendment to ban gay marriage but allow civil unions was soundly defeated. Many legislative opponents of same-sex marriage who had supported the amendment as a compromise last year voted against the amendment. The amendment is now dead and gay marriage opponents have turned their attention and support to the proposed ballot question to ban same-sex marriages.

On related note, the Massachusetts Supreme Court will be hearing arguments on a case involving out-of-state gay couples that want to marry in the Commonwealth. Here’s a brief from the State House News Service on this case:

SJC HEARS ARGUMENTS FOR 1913 LAW: Justices for the Supreme Judicial Court will hear arguments Thursday on whether the state should be able to enforce a 1913 law banning out-of-state couples from marrying here if the nuptial would be void in their home state when it comes to gay marriages. First Attorney General Peter Sacks heads the case for the attorney general's office, which argues that each state has the ability to enforce its own marriage laws and that city and town clerks' enforcement of the law has been evenhandedly applied. Attorneys for Gay and Lesbian Advocates and Defenders are representing city and town clerks and couples from other states that filed the lawsuit, which seeks to repeal the so-called Reversed Evasion Statute. A core argument for the plaintiffs is that clerks were never asked to verify marriage laws in couples' home states coincided with Massachusetts' before gay marriage became legal on May 17, 2004. A Superior Court judge upheld the state's enforcement of the law in August 2004. Thursday's hearing is a result of the plaintiffs appealing that decision. The case is known as Cote-Whitacre vs. Department of Public Health and is on the court's docket for Thursday (10-6-05) morning.

EARLY VOTING.

MTCA Legislative Chair Mary Lou Murzyn received a call last month from Caroline Fisher, an aide to Rep. Petrucci, the House Chair of Election Laws, to request our input on proposed early voting legislation, including House 113, which was filed by Rep. Steven Walsh. Here's a look at House 113:

AN ACT RELATIVE TO ESTABLISHING EARLY VOTING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 54 of the Massachusetts General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after section 86, the following section:-

Section 86A. Any qualified voter, as defined by Chapter 51 section 1 of the General Laws, that submits an early voter application shall be allowed to cast a ballot beginning two weeks prior to the election at a location designated by the supervisor of elections during regular election hours.

Ms Fisher indicated that the proposal would not be absentee balloting -- regular ballots would be used -- and it would not replace absentee balloting. She mentioned an early voter application form and utilizing a ballot box.

Among the concerns raised by Mary Lou were: (1) variety of hours/days that Clerks' offices are open; (2) how it would affect the testing deadline for machines; (3) possible affects on programming and segregating precinct totals; and costs.

Ms Fisher advised that the following states currently have early voting: Alaska, Arizona, Arkansas, California and Montana, to name a few. She did not know if early voting was conducted locally or countywide in those states.

Other bills in the Election Laws Committee that reference "early voting" are House 127, House 3886 and Senate 467.

These proposals offer further proof that the Election Laws Committee must approach the numerous bills pending in committee in a comprehensive manner.

I look forward to seeing many of you at the MTCA Fall Conference at Jiminy Peak.

CLERKS' DAY ON THE HILL!

Linda Hutchenrider, Barnstable
Recorder of the Day

Yellow buses, public transportation buses, trains, subways and cars brought over 170 Town Clerks to the State House on September 29, 2005, for the Clerks' Day on the Hill. Chairman Denise MacAloney, President Judith St. Croix, and Lobbyist Steve Roche and their committee deserve a lot of credit for a job well done in presenting an informative and entertaining event.

To kick off the day, in the beautiful, flag-filled Great Hall, Rep. Susan Pope gave President St. Croix a proclamation honoring her as President of the Massachusetts Town Clerks Association. President St. Croix welcomed town and city clerks, Secretary Galvin, distinguished legislators and special guests to Clerks Day on the Hill. She also introduced Lobbyist Roche, who acted as Moderator for the Day.

After a group photo on the grand staircase, William Campbell, President of the City Clerks Association told the audience that on the cover of the last "City Journal" there was a picture of a Clerks Day on the Hill from the 1930's, where the clerks (all men) were in bowler hats. We are a different group now 70 plus years later. He reminded all that we are professional associations, and need to make better contact with our state legislators.

Lobbyist Roche reminded clerks that this event helps to build credibility of clerks. He stressed that this is extraordinarily important at this time, especially with many election reforms in the works. He stated that we need to keep strong lines of communication open between the association and our legislators. A big thank you was extended to Rep. Robert DeLeo for sponsoring the event.

Steve also updated us on what was happening in the state house and introduced Sec. of State William F. Galvin, who thanked the clerks for coming. Galvin also thanked clerks for the relationship that we have maintained with him through motor voter, CVR, and the challenges yet to come.

Galvin pointed out that we are going to be involved in the next part of the Help America Vote Act, which is to implement the equipment for disabled voters. The equipment will be available for viewing and testing on Oct. 7th at the Archives.

He also stated that a new release will be forthcoming from CVR that will allow us to verify citizenship through the last four digits of the Social Security number. He announced that a new election manual will be provided to clerks around the beginning of January 2006, which drew a round of applause. He closed by stating that he appreciates the clerks opinions and those will help in dealing with the elections issues to come.

Paul Dawson, Clerk from Stoughton and former Clerk from Winthrop, honored Rep. Robert DeLeo with a certificate from the Massachusetts Town Clerks Association. Dawson pointed out that Rep. DeLeo is determined, plans ahead and has stamina, all traits which have served him well in his various roles from local to state government. Rep. DeLeo vowed that he would never cease to keep his relationship with his community, and appreciated our work as clerks as well.

Other speakers included Rep. Anthony Petrocelli, Co-Chairman of House Joint Committee on Election Laws. He had announced that the committee had favorably voted forward House Bill 92 (Requires voter identification requirements to apply to local as well as state elections to avoid confusion). He said that there are many issues, such as early voting that are going to be considered in the not too distant future.

Sen. Edward Augustus, Jr., Co-Chairman of the Election Laws Committee, thanked all for the event and stated that we have one of the most well-run election systems in the country; and we should be proud of it. He is concerned that voting be convenient for citizens and noted that living in the 21st century is more complicated. He stressed that we need to work together on these issues in order to practically be able to implement the laws.

Sen. Jarrett Barrios, Chairman of the Public Safety & Homeland Security Com. brought his concerns forward on identity theft from public records. One item he specifically named was death certificates, which have the social security number of the deceased on it. He is looking to have social security numbers taken out of public records when copies are requested.

Former Town Clerk, and now Rep. Alice Peisch, reminded clerks that Steve Roche is a great advocate for clerks. She said she has used her experience as a clerk to try to explain various processes to other legislators. She, too, reminded clerks to stay in touch with their legislators. She reminded clerks to be aware of the fact that there are those who still wish to do away with the census. She feels it is essential and the clerks' organizations should work to keep it going.

Rep. Thomas O'Brien thanked clerks for their work and told them that he was the lead sponsor of many of the clerks' bills – because his clerks told him to. He works very closely with the clerks from his district and said his agenda is the clerks' agenda.

Rep. Peter Koutoujian (son of former Waltham City Clerk Peter Koutoujian) also addressed the audience and said that he totally understands the workings of a Clerk's office, having spent many hours there in his youth.

Senator Scott Brown and Representative Lewis Evangelidis were great "tour guides" of the impressive history-filled State House. The day ended shortly after 1 p.m. with clerks having enjoyed the tour, listened to some interesting legislators, and having had a very worthwhile experience. Thank you again, to those involved for a wonderful event....let's do it again.



The MTCA Executive Board approved the following changes, **in bold**, to the Policies and Procedures listed below. There is no further action required. The by-law review committee suggested printing the Policies and Procedures for your information.

TOWN CLERKS' ASSOCIATION, INC.
COMMITTEES/BOARDS POLICIES AND PROCEDURES MANUAL

(Adopted and voted unanimously by the Executive Board June 14, 2000
and amended and approved August 10, 2005)

This manual expands upon the duties and responsibilities of MTCA committees as outlined in the MTCA By-laws and may be amended by vote of the Executive Board.

Article VII of the MTCA By-laws: **All committees shall prepare minutes and present a copy to the Secretary of the Association. All other duties of each committee shall include the following:**

LEGISLATIVE COMMITTEE

A. Considers Proposals from the Membership

Any member wishing to file proposals or recommendations for legislation shall do so in writing, addressed to the current chair of the Legislative Committee **and the legislative committee shall consider** these requests **in their proposed legislative agenda.**

B. Other Legislation

The Legislative Committee shall present for vote of support other legislation from State Legislators, Departments, Boards and Commissions which it deems affecting the interest of the MTCA. Presentation and recommendation on (such other) legislation shall be made to the MTCA at the fall and winter meetings. Time not permitting, the Legislative Committee and the Executive Board shall, if they deem appropriate and necessary, take a position on said legislation and shall advise the Association via the Public Recorder of their combined action.

NOMINATION COMMITTEE

A. Interviews and selects nominees as potential MTCA officers

B. Nominate slate of officers for MTCA to be presented at the Annual Meeting:

1. President
2. First Vice President
3. Second Vice President
4. Treasurer
5. Secretary
6. Executive Board Members

BUDGET COMMITTEE

A. Prepares the annual budget and is responsible for the following:

1. Reviews all past expenditures of MTCA in order to establish budget
2. Determines if the monies collected for conferences are able to fund the conferences - work with the Conference Committee
3. Considers if dues assessment covers operating costs
4. Monitors lobbyist expenses and report to Lobbyist Review Committee

B. Incorporates recommendations of the Auditor into the budget of each calendar year

C. Receives and considers all budget requests from MTCA

EDUCATION COMMITTEE

- A. Engages instructors for conferences
- B. Negotiates locations for off-site classes at conferences
- C. Sets fees for courses
- D. Plans and schedules all conference classes **to accord with** the Certification Program (CMMC)
- E. **Creates an education registration roster for posting and class attendance sheets for each conference.**

DATABASE COORDINATOR

- A. Maintains database of all conference attendees at each of the three MTCA conferences
- B. Responds to all individual requests by clerks for information, by mail, telephone or e-mail
- C. Reports updated information to exam coordinator for new applications and for re-certifications every four years
- D. Prepares salary surveys for the MTCA as directed by the President and/or Executive Board and upon request, prints and distribute reports to the membership
- E. Updates database to include new clerks, address changes and corrections as necessary

CERTIFICATION PROGRAM (CMMC)

1. CERTIFICATION ADMINISTRATOR

- A. Sends notification of availability of applications, test dates, and deadlines to the Editor of the public Recorder for publication (April and September issues)
- B. Has application forms for the exam available at all MTCA Conferences
- C. Receives and responds to all communications regarding certification and testing
- D. Processes all exam applications (approves/denies)
- E. Prints and sends by certified mail all tests between January 1 and January 7, or July 16 and July 23
- F. Receives and grades tests and notifies applicants of results and review period
- G. Notifies Examination/Certification Board, in writing, of request for review/appeal. Assists the Board in review/appeal process
- H. Receives and processes all applications for certifications. Notify applicants of results. Have certification presented at next conference to successful applicants
- I. Mails applications for certification with exam results (if passed) and press release form
- J. Using checklist, determines points for certification. Refers all undetermined points to Examination/Certification Board
- K. Retains examination applications and test answer forms until after review period. Retains all applications for certification as permanent records
- L. **Mails, receives, and processes all re-certification applications. Notifies applicants, prepares certificates, and presents said certificate/s at the next conference.**
- M. Payments:
 - 1. Submits all fees to the Treasurer
 - 2. Reports all expenses to the Treasurer
- N. Fees:
 - 1. Examination fee shall be fifty dollars (\$50.00)
 - 2. Certification fee shall be twenty five dollars (\$25.00)
 - 3. Re-certification fee shall be fifteen dollars (\$15.00)

2. CERTIFICATION/EXAMINATION BOARD

- A. Prepares and reviews exam for Certification Program (CMMC) by **October of** each calendar year.
- B. Establishes standards for the exam and the re-certification program
- C. Conducts review process for appeals
- D. Determines guidelines for awarding points for an applicant's extra curricular activity as an active participant in MTCA special projects and/or committees
- E. Coordinates all standards with the Education Committee

CONFERENCE PROGRAM

1. CONFERENCE REGISTRATION ADMINISTRATOR

- A. Receives and processes all conferences registration and fees
- B. Maintains registration desk at conferences
- C. Maintains an accurate account of all conference attendees and reports to Conference Committee
- D. Submits all monies collected to the MTCA Treasurer
- E. Sets policy for State Officials attending conferences:
 - 1. If **invited to teach a course or** invited to speak - no registration costs needed and MTCA will pay for lunch
 - 2. If invited to teach **an** all day **course** - no registration costs and MTCA will pay for room and lunch if long distance travel required to attend

2. CONFERENCE PROGRAM COMMITTEE

- A. Reviews conference locations and costs
- B. Prepares and mails all conference registration packages
- C. Plans and organizes all MTCA conference arrangements, including but not limited to:
 - Hotel
 - Guest Rooms
 - Registration costs
 - Meeting Rooms
 - Classrooms
 - Meals
 - Commuters
 - Entertainment
 - Programs
 - Vendors
 - State Officials
 - Sundry items to be sold

SCHOLARSHIP COMMITTEE

- A. Receives and processes all applications for scholarships
- B. Recommends scholarship recipients
- C. Presents scholarships to recipients at the Annual Meeting

LOBBYIST REVIEW COMMITTEE

- A. **Shall be composed of** three (3) members, one of whom shall be the Treasurer, appointed by the President by September 1, every other year
- B. Reviews the two-year contract and negotiates the salary and expenses for the MTCA Lobbyist
- C. Consults with the Legislative Committee for comments, concerns and recommendations
- D. Receives, reviews and acknowledges comments from members of the MTCA pertaining to the Lobbyist
- E. Reports to the Executive Board

MARKETING MANAGER

- A. Shall be appointed by the President for a three year term by December 31
- B. Maintains inventory of sundry items
- C. Maintains accurate account of all funds collected for sundry items
- D. Submits all monies collected to MTCA Treasurer on a timely basis
- E. Brings inventory to conferences and sets up at registration desk

PROCEDURES FOR DONATIONS, RETIREMENTS, ILLNESSES AND MEMORIALS

The Sunshine Person, appointed by the President, for one year by December 31, shall be responsible for administering the following and submitting all vouchers to the Treasurer for payment:

1. Retirements:
 - a. Plaques or gift of value up to fifty dollars (\$50.00) to be presented to a Town Clerk with service of a minimum of five (5) years
 - b. Certificates of Appreciation to be presented to a Town Clerk with less than five (5) years service
2. Sickness:
 - a. Flowers to be sent to current officers of the MTCA with a value up to fifty dollars (\$50.00)
 - c. Cards to be sent for all other members
3. Memorials:
 - a. Flowers or a cash donation of a value up to fifty dollars (\$50.00) for current and past officers of the MTCA or any active Town Clerk
4. Letter of Appreciation:
 - a. A letter to be presented to any past or present Town Clerk upon the vote of the Executive Board
5. Certificate of Appreciation:
 - a. A certificate to be presented at the discretion of the President

POLICY ON PLEDGES/DONATIONS

1. MTCA shall not pledge, fund, or donate to any organization, **without a full vote of the Executive Board.**

IIMC PIN POLICY

1. One (1) free pin shall be distributed to each MTCA voting member. Each member shall sign for pin with the Marketing Manager
2. Each additional pin shall be purchased at a cost of two dollars (\$2.00) from the Marketing Manager

PROCEDURE FOR CONFERENCE SPEAKERS (Adopted 10/11/2000 by unanimous vote of the Exec.Board)

1. A conference speaker is an individual who teaches a class or classes/or is the Wednesday afternoon speaker at the beginning of the conference.
2. A class shall be described as a minimum of three hours, and shall also be called a half-day class. A full-day class shall be a minimum of six hours of instruction.
3. All speaker fees, whether the speaker is being secured by the education committee or any officer or executive board member of the association, shall be approved by the Treasurer/President and Second Vice President prior to booking the speaker. All contracts shall be signed by the Treasurer and an officer of the MTCA. Any fee plus expense that exceeds the allotment for the one half day class or full day class (whichever is applicable) shall be approved by the executive board prior to any contract being signed.

a. A half-day or three hour class shall have allotted to it for speaker expenses a **limit of-\$750.00**. This fee shall include the fee/any hotel/food/and/or travel expense.

b. In the event there is a full-day class offered – the expenses would not total more than \$1,500.00. This fee shall include the fee/any hotel/food/and/or travel expense.

c. If the speaker lives more than four hours driving time away and wants to have the MTCA pay for one overnight at the conference, and the class is an afternoon or a full-day, that amount may be added to the speaker expense. If the total fee plus hotel exceeds the allotted speaker fee (as outlined in a. and b.) – this expense must be approved by a majority of the executive board.

4. No more than one-half of the speaker fee can be paid to the speaker prior to the event. Once the speaker has completed the event, the Treasurer will have a check ready for them prior to departure.
5. Any hotel booking must be done by the speaker. The speaker may take advantage of the reservation rates for the Association; but the Association will not be responsible for making that reservation. If the Association is going to pick up the cost of the room, the Association will advise the speaker to tell the management to charge it to the master bill of the MTCA. The Second Vice-President will notify the hotels of any such arrangements.

POLICY FOR CONFERENCE REGISTRATION (Executive Board vote 01/30/2002)

1. **Any member of the association whose dues are paid in full may attend any conference; provided, however that the conference registration is also paid in full prior to the conference or at the registration desk at the beginning of the conference. All attendees must pre-register for classes.**

POLICY FOR MTCA LABELS (Executive Board vote 01/30/2002)

1. **MTCA labels will be sold at a cost of \$50.00 and only the President, 1st Vice President-or 2nd Vice President can determine to whom-labels will be sold. The labels will be created and kept up to date by the Treasurer.**

POLICY FOR CONFERENCE REFUNDS (Executive Board vote 02/01/2002)

1. Conference registration cancellations received by the Conference Administrator 48 hours in advance of the conference shall be refunded unless the hotel has a more restrictive refund policy, in which case the Massachusetts Town Clerks Association will follow the hotel's refund policy.
(Revised 8/2/7/02 E-Board Meeting)

POLICY FOR CONFERENCE BROCHURE

The Executive Board may direct that a Conference Brochure be produced for the purpose of giving conference attendees an up-to-date program of events, list of vendors, attendees and other pertinent information. The producer of this document shall be appointed by the President with approval of the Executive Board.

POLICY ON AUDITING A CLASS (Executive Board vote 8/22/03)

1. Any vendor or guest of a registered clerk, IF there are vacant chairs in a class, and with the permission of the instructor, may audit that class. However, no vendor or guest may participate in discussion, ask questions, or take handouts. They may audit from the back of the room and be totally non-participatory. Any person, who violates this policy, may be asked to leave the class. Classes are for the benefit of the members of our association.

POLICY FOR INSTRUCTORS (Executive Board vote 8/22/03)

1. Any Clerk, professional instructor, or state official who is asked to teach a class at any of our conferences, will be requested to instruct on a specific subject by the Education Committee. They shall teach that subject only; and not use class time for any personal lobbying on any issue, even if related to the subject being taught.

If the instructor wishes to add to or delete from the topic requested, he/she shall contact the Education Committee prior to the conference for approval. Since many classes are credit courses for certification, this policy must be adhered to.

POLICY FOR EMAIL

It is suggested that users of the Yahoo Clerks Email system restrict monetary solicitations on “All Clerks” emails, and use judgment on all others.

Request for Example of a Certified Copy of an Unrestricted Birth Record

By Stanley E. Nyberg, Registrar, Registry of Vital Records & Statistics

The birth record is a person’s first identity document. As Anita Tekle pointed out in her article last month, it is a document used to obtain Social Security cards, driver’s licenses, passports and employment records, and to enroll in school. In the United States it is proof of citizenship. As our society becomes more complex and transient we increasingly rely on identity documents to establish that people are who they say they are, but it is difficult to check the validity of certificates issued by thousands of state and local offices.

Over the past several years the Registry of Vital Records and Statistics has been getting calls from both federal and state agencies asking if a birth certificate issued by a local community or the state is valid. In some cases the local clerk is contacted; in other instances a newly issued state certificate is required.

In order to help other agencies, both state and federal, check for validity, the Registry is developing a library of examples of locally issued birth certificates. Please send us one certified copy of an unrestricted birth record for each format they may be issued in. In addition, we will send copies of the certificates to the Forensic Document Lab in McClean, Virginia. The lab is operated by the US Department of Homeland Security/Immigration and Customs Enforcement.

We would like communities to send a certified copy of an open birth record to Ramona Irving at RVRS in Dorchester. If you have more than one format (for example a typed form, a photocopy of an original record, and hand-written), please send us one copy of each. Also, if you have examples of older formats it would be helpful to get copies of those as well. [Please note that the format is discontinued.]

Thank you for your help. If you have any questions please contact us.

Massachusetts State Ethics Commission

Carol Carson, Chief, Communications and Public Education Division
ccarson@eth.state.ma.us
617-723-5851 (fax)

The Massachusetts State Ethics Commission has a new phone number: **617-371-9500**.

Please join us for an Open Discussion
SAME DAY REGISTRATION – IN MASSACHUSETTS?
Jiminy Peak, Wednesday, October 19, 2005, 2:30 - 4:00 PM

There is a broad movement among the voters' rights advocates and academic circles to expand the concept of Election Day Registration. (EDR). In Massachusetts MASSVOTE, the League of Woman Voters and Common Cause are lobbying the State Legislature vigorously to adopt EDR for Massachusetts. Legislation (SB444) could be considered in this legislative session. The Elections Task Force, the Legislative Committee and the E-Board are encouraging the Secretary of State and the State Legislature to consider a funded study of a comprehensive election package.

Both of the following proposed legislations have passed all Boards (the Legislative Committee and the Election Task Force) and including the MTCA Executive Board and will be brought to the MTCA membership at the October Fall Conference for a vote.

PROPOSED LEGISLATION

An Act Relative to Election Officers.

Section 1. Chapter 54 Section 11 of the General Laws is hereby amended by striking the words “one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four deputy inspectors” and replacing it with “one warden, one clerk, at least two inspectors and a ballot box inspector”.

Section 2. Chapter 54 Section 12 of the General Laws is hereby amended by striking the words “one warden, one deputy warden, one clerk, one deputy clerk, two inspectors and two deputy inspectors” and replacing it with “one warden, one clerk, at least two inspectors and a ballot box inspector”.

Section 3. Chapter 54 Section 67 of the General Laws as amended by the Acts of 2004, c. 334, Section 34 is hereby amended by deleting the section and replacing it with the following: “ The voting list shall be delivered to the precinct warden. When a ballot is delivered to a voter, his name shall be checked on the voting list at the entrance of the precinct. The officer in charge of the voting list and the ballot box inspector shall not be of the same political party. The ballot box inspector shall insure that each voter casts a ballot into the ballot box before exiting the precinct. No person shall vote if his name is not on the voting list, nor until the inspector shall check his name thereon, unless he presents a certificate from the registrars of the voters as provided by section fifty-one or section fifty-nine of Chapter fifty-one, or unless he is voting by provisional ballot under section 76C”.

Section 4. Chapter 54 Section 83 of the General Laws is hereby amended by deleting the entire section.

The proposed bill would eliminate the check-out table.

Each polling place shall have assigned to it one warden, one clerk, at least two inspectors and a ballot box inspector.

Two inspectors shall be assigned to the check-in table.

The ballot box inspector shall insure that each voter casts a ballot into the ballot box before exiting the precinct.

The polling place shall have guard rails or some form of barrier to control the voting area.

The former check-out clerks could be available to assist with the Affirmation Certificates, Provisional Ballots, or other.

Could free up the election staff to assist voters in other ways during the day.

This may **not** be a cost saving opportunity as the former check-out staff could be utilized for other election procedures.

PROPOSED LEGISLATION

An Act Relative to Voting Equipment

Section 1. Section 33 of Chapter 54 of the General Laws is hereby amended by striking the words “receiving, registering and canceling” in the second sentence and replacing it with “receiving and registering.”

Section 2. Section 105A of Chapter 54 of the General Laws is hereby amended by striking the eighth paragraph and replacing it with the following: “The counted ballots, absentee ballots and other, shall be sealed in separate containers and labeled as such. The unused ballots shall be sealed in separate containers and labeled as such. They shall be transmitted, in accordance with the provisions of section one hundred and seven, to the office of the city or town clerk forthwith. The voting lists shall also be sealed in separate envelopes and transmitted to the office of the city or town clerk. “

Section 3. Section 107 of Chapter 54 of the General Laws is hereby amended by striking the words “or container” in the third sentence and replacing it with “, container or containers.” Section 107 is further amended by inserting the word “separate” in the fourth sentence after the word “or” and before the word “container.” Section 107 is further amended by striking the sixth sentence and replacing it with the following:- “He shall forthwith personally deliver to the city or town clerk or transmit to him, by the police officer or constable in attendance at the election, the separate containers containing the ballots cast and the ballots not cast, the voting lists, the ballot box, the ballot box seals and counting apparatus.”

Section 4. This act shall take effect upon its passage.

The proposed Bill would eliminate the cancellation device on the vote scanning machines.

The cancellation device marks the ballot and the voting machine counts the ballot.

There is a print-out tape of all the deposited ballots that cannot be tampered with.

The cancellation device is not always dependable. The pad is inked every election and for a large election turnout the ink pad may not be sufficient to ink all the deposited ballots.

The cancellation device can interfere with the machine effectiveness.

The cancellation device is not a reader, just a mark.

There is voter apprehension when the ballot jams due to the voter trying to “stuff” the ballot into the cancellation device. There would be less anxiety for election officials if this was eliminated.

The proposed bill would provide that a ballot box inspector be assigned to the ballot box to insure that each voter casts a ballot in the ballot box before exiting.

If this bill is passed the Secretary of State would promulgate regulations regarding the separation of the ballots at the close of the polls.

Security of the voted and unused ballots would remain the same.

There could be a cost reduction of purchasing the voting machine without the cancellation device and there could be a considerable reduction in the annual maintenance costs.

Time could be saved in the process of inking the device.

HAVA: Voting System Standards
By William C. Campbell, Woburn City Clerk and
Massachusetts Local Election Official of the EAC Standards Board

One of the priorities of the Help America Vote Act of 2002 (HAVA) was to establish voluntary voting system standards. These guidelines can be used by voting machine manufacturers as a standard that they should strive for in developing voting systems. The EAC will certify systems that meet the standards, much like the UL approval found on electrical equipment. States are not required to adopt the standards.

The implementation of the guidelines involves a lengthy process of public hearing and meetings of the EAC, the EAC Standards Board and the EAC Board of Advisors leading to recommendations and the final standards.

The Board of Advisors met in Portland, Oregon in August to conclude their review and to make recommendations to the EAC. The Standards Board Executive Board was invited to attend and observe that meeting in preparation for the larger Standards Board meeting.

HAVA required that the Standards Board Executive Board review the proposed standards and make recommendations to the full 110 member Standards Board. This was concluded over a three day period at a meeting convened in Denver, Colorado in August three weeks after the Board of Advisors completed their work.

The Standards Board Executive Board members led smaller breakout sessions with Standards Board members to elicit comments to the proposal. The Executive Board then met later that evening to arrive at a document that included items of consensus and proposed resolutions were drafted. All members were urged to present their comments at the plenary session even if they were not included in the draft resolutions.

In a day long plenary session, following strict parliamentary procedure, each line of the draft resolutions was discussed and voted upon. At the end of the day, the Standards Board met its legal charge by offering comments to the EAC on the standards.

Gracia Hillman, Chair of the U.S. Election Assistance Commission will be speaking at the Massachusetts City Clerks Association conference at Wachusett Village Inn and Conference Center in Westminster on October 12, 2005 where she will provide an update on HAVA and EAC activities.

For more information, go to the EAC website at www.eac.gov For information on registering for the conference, send an inquiry to wcampbell@cityofwoburn.com

From the *City Journal*

Open Standards/Information Domain-Enterprise Technical Reference Model
Alan Cote, Supervisor of Public Records

Mr. Cote's response to Secretary of Administration and Finance, Eric Kriss's topic on Open Formats.
Further information may be found at www.mass.gov/itd

As Supervisor of Records for the Commonwealth, I am compelled to respond in writing to the administration's continued pursuit of Open Standards/Format for records of the executive branch of government.

First, let me be clear that Massachusetts is not experiencing a crisis with regard to records management. The records of our state and municipal governments are being managed with great care by many experienced and dedicated records managers with the support and guidance of this office.

Secondly, the Open Standards initiative is NOT a Statewide initiative; in fact, it will only affect a small number of documents created by a few employees of executive branch agencies. Municipal records are not implicated in this initiative and the rest of state government will NOT be converting their software systems to Open Standard/Formats by 2007 as has been reported recently.

Thirdly, record custodians have always been allowed to save their records (electronic or otherwise) in the manner and format they see fit (with guidance and oversight by the Records Conservation Board and this office). Some of our custodians save their electronic records using proprietary software while others choose to utilize software created specifically for the type of record and the mission of their agency. The administration's initiative to save some of their records in an open format is simply not new or newsworthy.

Records management consists of three (3) basic components, record creation, record maintenance and record preservation. In a large organization such as ours, it is universally held that record creation is the least important of these components since the overwhelming number of records created by government employees are not earmarked for long term retention (i.e. more than seven (7) years)). In fact, a well established and documented program for record destruction is vital to a successful records management program.

The second component, record maintenance consists of an organized program and schedule of upkeep to ensure that records are readable regardless of their form or format.(microfilm, microfiche or electronic) This component requires consistent review and effort by each agency of government and includes the introduction of "metadata" into the record to ensure authentication of each.

The final component, record preservation, is by far the most important component of the records management process and is the component chosen by this office and the state archivist, Dr. Jack Warner to be the area of greatest emphasis and concentration of state resources. As a result, all records received by the archives facility are extensively reviewed and steps are taken to protect, preserve and migrate the record for posterity.

This process includes the migration of all records into multiple forms and formats. Accordingly, as executive branch records are forwarded to the archives facility they will be converted using whatever proprietary or non-proprietary software this office and the Records Conservation Board has decided to employ.

In short, whereas this office establishes records management policy for the Commonwealth pursuant to General Law, Chapter 66, no other record custodian will comply or follow the course described in the Open Standard/Format policy without specific review and instructions from this office.

IIMC MASTER MUNICIPAL CLERK ACADEMY

The Academy is the professional body of municipal clerks who have continued their level of educational achievement beyond the attainment of the prestigious Certified Municipal Clerk Award.

In order to become a member of the Academy a person must first attain the IIMC Certification (CMC) designation, attend a minimum of 36 hours of graduate courses at an IIMC recognized municipal clerks academy or complete similar educational programs relating to the responsibilities municipal clerk's office.

Specific professional participation must be achieved, such as leadership in national and state associations, attendance at seminars and conferences, and professional writings and accomplishments.

LAURENCE R. PIZER, CMC – TOWN OF PLYMOUTH

Accepted as a member of the Master Municipal Clerk Academy Program

Laurence R. Pizer, CMC, Town Clerk of the Town of Plymouth, has been accepted as a member of the Master Municipal Clerk Academy Program of the International Institute of Municipal Clerks (IIMC).

Mr. Pizer has been employed by the Town of Plymouth since 1992, where he serves in the position of Town Clerk.

He received his Certified Municipal Clerk (CMC) designation in 2001, he has completed IIMC-approved Academy Programs, and has completed other courses, seminars and conferences relating to local government.

He is a member of the International Institute of Municipal Clerks (1999), New England Association of City and Town Clerks, and served as President to the Massachusetts Town Clerk's Association. He is an active member of the MTCA Legislative Committee.

NANCY M. BLACKMER, CMC – TOWN OF ORANGE

Accepted as a member of the Master Municipal Clerk Academy Program

Nancy M. Blackmer, CMC, Town Clerk of the Town of Orange, has been accepted as a member in the Master Municipal Academy Program of the International Institute of Municipal Clerks (IIMC).

Nancy has been employed with the Town of Orange since January 2000, where she serves in the position of Town Clerk.

She received her Certified Municipal Clerk (CMC) designation in January 2004. She has completed other courses, seminars and conferences relating to local government.

Active in professional affiliations she is a member of the IIMC, New England Association of City and Town Clerks, Massachusetts Town Clerks Association and the Western Massachusetts City and Town Clerks Association.

IIMC MASTER MUNICIPAL CLERK ACADEMY
SECOND LEVEL MEMBERSHIP

The Master Municipal Academy was established to further professional education of municipal clerks to enhance their skills as needed to meet the challenges of the office of municipal clerk. Every one to four years, Academy members must demonstrate active educational and professional participation that keep them aware of changing events in the local government scene.

Academy members are required to obtain a specific number of points through completion of recognized institute or college courses, completion of seminars and workshops, offered by other professional associations, attendance at meetings and conferences and receiving honors and rewards for specific achievements.

Approximately 15% of over 10, 300 members of the IIMC have qualified for the Academy status.

BEVERLY J. LITCHFIELD, CMC, - TOWN OF WILBRAHAM

Accepted into the Second Level Membership of the IIMC Master Municipal Clerk Academy

Beverly J. Litchfield, CMC, Town Clerk of the Town of Wilbraham, has been accepted into the Second Level Membership of the IIMC Master Municipal Clerk Academy.

Beverly has been employed by the Town of Wilbraham since January 1989, serving as Assistant Town Clerk before elected to her current position of Town Clerk in May 1994.

She received her professional IIMC Certified Municipal Clerk's Award in 1996 and was accepted into the IIMC Master Municipal Clerk Academy Program in 2001.

During this past sustaining period she has completed IIMC-approved Academy Programs and has completed other seminars relating to government service.

Active in her professional affiliations she is a member of the IIMC, New England Association of City and Town Clerks and has served as Secretary to the Massachusetts Town Clerks Association.

LORRAINE MURAWAKI, CMC, - TOWN OF STURBRIDGE

Accepted into the Second Level Membership of the IIMC Master Municipal Clerk Academy

Lorraine Murawski, CMC, Town Clerk of the Town of Sturbridge, has been accepted into the Second Level Membership of the IIMC Master Municipal Clerk Academy.

Lorraine has been employed with the Town of Sturbridge since 1998, serving as Recreational Director before assuming her current position of Town Clerk in 1998.

She received her professional IIMC Certified Municipal Clerk's Award in 2001 and was accepted into the IIMC Master Municipal Clerk Academy Program in 2002.

During this past sustaining period she has completed IIMC-approved Academy Programs and has completed other seminars relating to government service.

Active in her professional affiliations she is a member of the IIMC, New England Association of City and Town Clerks and Worcester County Clerks Association.

LEGISLATOR(S) OF YEAR AWARD
Senator Brian A. Joyce and Representative William M. Straus

As is customary, each year the Legislative Committee recommends to the Executive Board a Legislator of the Year. This recommendation is based upon that individual's support, responsiveness to and effectiveness on issues and legislation that affect and concern the Massachusetts Town Clerks' Association.

This year, two legislators were given this honor, Senator Brian A. Joyce and Representative William M. Straus. While unusual to designate more than one person as "MTCA Legislator of the Year", special circumstances called for honoring both of these men. As the former Chairmen of the Election Laws Committee, Senator Joyce and Representative Straus heard our plea for passage of the "Unenrolled Bill" in 2004. With their help, that legislation became a reality after nearly 10 years in the making. While we, as Clerks, will not realize and reap the benefits of the Unenrolled Bill until the Presidential Primary in 2008; I am sure we will remember and give tribute to these two legislators when voters no longer have to complete party enrollment change cards!

Senator Joyce was honored at our banquet at Seacrest. However, Representative Straus was unable to attend that evening because the House was in session. On July 21st at the Mattapoissett Town Hall, I had the privilege, together with Town Clerks Barbara Sullivan (Mattapoissett), Debra Blanchette (Marion), and Eileen Gates (Middleborough), to present to Representative Straus his certificate of appreciation.

Representative Straus has served as State Representative of the Tenth Bristol District since his election in 1992. His district includes the towns of Fairhaven, Marion, Mattapoissett, Rochester, and Precincts 3 and 6 of Middleborough. He received his bachelor's degree with honors from Middlebury College, and his law degree from Georgetown University. Prior to his election as State Representative, he served as an Assistant District Attorney in Bristol County for six years. He is also a former member of the Mattapoissett Conservation Commission. Representative Straus lives in Mattapoissett with his wife, Kerry, and their two teenage children.

He is currently a member of three Joint Committees of the Legislature – the Committees on Environment, Consumer Protection and Bonding, and Capital Expenditures. In prior sessions, he has also served as the Chairman of the Joint Committee on Election Laws, and the Vice Chairman of the Joint Transportation Committee.

IMPORTANT MESSAGE



IMPORTANT MESSAGE

AND A SUGGESTION

When you change your clock's back (or forward) to also look at your **website(s)** and update it.

Also, Replace batteries in battery operated fire alarms

A Bit of Trivia by Judy St. Croix, MTCA President, Wayland Town Clerk

What U.S. President refused to use the telephone while in office?

Answer: Calvin Coolidge

Who ran for President of the U.S. with a campaign slogan "A chicken in every pot and a car in every garage?"

Answer in the November issue of the Recorder.



HISTORICAL FACTS

1620

The first Town Clerk in Massachusetts came from Plymouth. (Plymouth Colony and Massachusetts Bay merged in the 1690's.), and he was the famous William Bradford. In the earliest years, the position of Clerk was combined with governor, a practice that makes sense since only fifty-one colonists survived the first winter, and many of those were children. Although John Carver was the first governor, he was among those taken ill the first winter, and he died early in the spring. His successor, William Bradford, qualifies as the first Clerk, serving the colony in one position or another until his death in 1657. Typical of clerks, Bradford not only recorded official records, but he kept a personal journal, now called "Of Plimoth Plantation," the most important documentation of the first decades of the settlement.

The early years showed an understanding of the controls still used by clerks in the twenty-first century. When Plymouth found itself to be outside the bounds of Virginia (where they had been planning to settle), they ordered a seal from London, the design still used by the town today.

By the late 1630's, as the colony prospered, the position of clerk separated out from the governor, and the Town of Plymouth became separate from the Colony, as new towns established themselves. Plymouth's Clerk finally had colleagues. (Thanks to Larry Pizer, Plymouth for this story).

1787

The passage of the U. S. Constitution giving white male property owners age 21 and over the right to vote

1807-1843

Series of acts that changed voting requirements so that all white men 21 and older could vote

1870

The 15th Amendment guaranteed the right to vote to all men that were 21 or older regardless of race or ethnic background

1920

The 19th Amendment gave women age 21 and older the right to vote

The first woman Town Clerk in New England was Mabel Woods Stinson of Winchester. To promote Miss Stinson to town clerk, the Selectmen persuaded State Representative Richard Coolidge to introduce legislation enabling the town to bypass Massachusetts' prohibition against giving the post to a woman. The bill, one of the shortest the General Court ever passed, simply stated "The Town Clerk of Winchester may be a woman." Miss Stinson went on to serve with distinction for more than thirty years. (Thanks to Carolyn Ward, Winchester, for this information and by the way, Carolyn lived in Mabel Stinson's house from 1969-2005).

1964

The 24th Amendment made it illegal for states to charge poll tax to voters

1965

The Voting Rights Act authorized the federal government to take over registration of voters in areas where state officials had regularly prevented blacks and minorities from registering to vote or cast their ballots through usage of literacy tests, grandfather clauses, and intimidation tactics. This Act enforced provisions previously guaranteed in the 13th, 14th, and 15th Amendments almost a century earlier

1971

The 26th Amendment lowered the voting age across the nation to 18

1982

The Voting Rights Act Amendments extended right to vote guarantees given in the 1965 legislation. Further provisions for Americans with disabilities, voters not able to read and write, and those not fluent in English were added to insure their freedoms

1993

The National Voter Registration Act (Motor Voter) expanded the opportunity for convenient voter registration for every person of voting age by increasing the number of active government agencies serving as registries. The departments of Safety, Health, Human Services, Mental Health and Retardation, and Veteran’s Affairs are required to include voter registration applications with their own department’s forms. Other government offices such as libraries, post offices, and the Registrar of Deeds also have voter forms available to the public.

1994

Motor Voter Bill was signed into law in Massachusetts to allow registration for state and local elections by mail, at many state agencies and at the Registry of Motor Vehicles.

2002

President Bush signed the “Help America Vote Act” to improve the administration of elections in the U. S.

HISTORICAL FACTS ON THE POWER OF JUST ONE VOTE

1645

One vote gave Oliver Cromwell control of England

1776

One vote gave American the English language instead of German

1868

One vote saved President Andrew Jackson from impeachment

1875

One vote changed France from a monarchy to a republic

1876

One vote gave Rutherford B. Hayes the Presidency of the United States of America

1923

One vote gave Adolf Hitler leadership of the Nazi Party

1941

One vote saved the Selective Service – just weeks before Pearl Harbor was attacked

If you think otherwise, history is proof that one deciding vote can make a difference

Your vote does count!

(In collaboration with Judy St. Croix, Wayland and Larry Pizer, Plymouth)



NOVEMBER

10th U.S. Marines Corps Day. The anniversary of the founding of the U.S. Marine Corps.

11th Veterans’ Day . A lasting recognition of the service and sacrifice of those who served in the armed forces of the United States.

23/24/25 Silvered Haired Legislation Days.

24TH HAPPY THANKSGIVING

27TH John F. Kennedy Day. In memory of the 35th President of the United States.

According to the Records...

Carole Marple, Sherborn, MTCA Treasurer

As your new Treasurer, I'd like to thank all clerks who have already sent in their FY 06 MTCA dues.

Saturday as I was opening dues envelopes and updating financial records, I noticed a few facts of interest.

- Nearly all of the checks that arrived in the first wave were from retired clerks.
- There are multiple MTCA members named Nancy, Susan, and varieties of Katharine. There are no members named Drusilla or Englebert.
- Twenty-one municipalities sent checks with no invoice.
- Two municipalities sent invoices with no check.
- Only two municipalities (so far) sent the check to the former treasurer.
- One check arrived stapled to the invoice in four places.
- One town included its Sewer Department phone bill and thoughtfully informed me that I could pay by mail, by phone call, or online.
- The prize for most creative folding of the invoice goes to the town of Greenfield.
- Seven municipalities used their own envelopes but also returned the self-addressed return envelope. (More creative folding involved.)
- The largest check received to date was for \$875.75. (I felt bound to return this one, however, since it was made out to the Grtr. Minn. Conv. Vistr. Assoc.)

Keep those checks and invoices comin', folks.

MTCA & NEACT CONFERENCE SCHEDULES

2005-2006

MTCA	FALL CONFERENCE OCTOBER 19-21, 2005 JIMINY PEAK, HANCOCK MA
NEACT 38 TH	ANNUAL CONFERENCE NOVEMBER 16-18, 2005 FOXWOODS RESORT, LEDYARD, CT
MTCA	WINTER CONFERENCE FEBRUARY 8-10, 2006 HOLIDAY INN, WORCESTER, MA
MTCA	SUMMER CONFERENCE JUNE 14-16, 2006 SEA CREST, FALMOUTH, MA

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The Public Recorder

Newsletter of the MTCA

**1009 Main Street
Tewksbury, MA 001876**



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