

The Public Recorder



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Report of the President # 6 by Judy St. Croix

I guess it is afternoon for you. I am still in San Diego. My intention was to fly home on Dec 3 but unfortunately I got the flu and am still grounded. Now I hear a snow storm is in the making so I will watch the forecast and determine what day this week will be good for me to fly home. I have postponed the E-Board Meeting until next week. Following is a brief article for this month's Recorder. I will have to make up for it next month.

I write this article from San Diego where I came to spend the Thanksgiving holiday with my daughter and family.

I had the pleasure of representing our Association and attending the New England City and Town Clerk's Association Conference last month at Foxwoods in Ledyard, CT. The President's forum was held on the first day of the conference and was attended by all six President's. We had a roundtable discussion on elections, HAVA, vital records, and the duties and responsibilities of the town clerk. Hats off to the conference committee for their many hours of planning and coordinating the three day event and no, I did not hit the jackpot at the casino so I remain your President.

Our conference wheels are turning again, the classes have been assigned, the menus chosen and the brochure is being put together and should be in the mail this month for our February Conference to be held in Worcester at the Holiday Inn February . Please remember when you receive the information don't put it aside - send your registration to Barbara in Easthampton; your choice of education classes to Kathy in Bellingham; and fax your hotel registration to the Holiday Inn.

**I would like to wish everyone a
wonderful and happy, healthy and safe holiday season.**

LOBBYIST REPORT – NOVEMBER 2005 By Stephen Roche

ELECTION DAY REGISTRATION

As you may have heard, the Senate approved our proposal to establish an "election laws task force" as part of its supplemental budget, adopting language that we had offered.

Here's a look at the actual language from **Senate 2291**:

SECTION 156. (a) There shall be an election laws task force for the purpose of undertaking a study and making recommendations about whether or not the commonwealth should enact legislation to authorize election day registration. The study shall include, but not be limited to: (1) the state and local costs of implementing such a system, including a determination of whether or not these costs would constitute a local mandate; (2) the possibility of fraud; (3) the administrative requirements for

adopting such a system; (4) the effect upon finalizing a vote and possible recounts; (5) a review of the practical experience in any elections held under section 142; and (6) the effects of other proposed election changes, such as early voting, at-will absentee voting, voter education, and election-officer training.

(b) The task force shall complete its study and submit its final report in writing to the joint committee on election laws no later than June 1, 2006.

(c) The task force shall consist of the house and senate chairs of the joint committee on election laws, who shall serve as co-chairs of the task force, the speaker of the house of representatives or his designee, the president of the senate or his designee, the house minority leader or his designee, the senate minority leader or his designee, the state secretary or his designee, 2 representatives of the Massachusetts Town Clerks Association, at least 1 of whom shall be a town clerk of a town of fewer than 5,000 inhabitants, and 1 representative of each of the following groups: the Massachusetts City Clerks Association, the League of Women Voters of Massachusetts, the Massachusetts Chapter of the NAACP, and MassVOTE.

Section 156 was included as part of the Senate Ways & Means Committee's budget plan; this sure made life easier than trying to add it via an amendment. Note that SW&M added some time for the report to be filed, moving the reporting date from 5/15/2006 to 6/1/2006. There was no debate on this section.

Our second proposal on the EDR, to have the General Court appropriate \$80,000 for the study was not included in the SW&M version. The Senate Chair of the Election Laws Committee, Senator Ed Augustus, agreed to file an amendment to adding a line item to fund the study but it was not adopted. My understanding is that the Senate Leadership deemed the new appropriation was not needed after Secretary Galvin said he could fund the study with existing appropriations.

The most interesting part of the debate on the Senate supp budget involved an amendment by Senator Mike Morrissey to strike Section 157 of the SW&M plan. Here's a look at Section 157:

SECTION 157. (a) This section shall apply in any town election held before June 1, 2006, if the town's board of selectmen votes to accept this section following a written recommendation by the town clerk, and if the town clerk files notice of this acceptance with the state secretary not later than 30 days before the election.

(b) Notwithstanding chapter 51 of the General Laws or any other general or special law to the contrary, a person may register as a voter under this section while the polls are open on the day of an election by completing and signing an affidavit of registration at the polling place for the precinct where he resides or at the office of the town clerk, and may then vote there in that election. Such a voter who registers at the office of the town clerk may vote there on an absentee ballot, which shall be transmitted to the proper polling place under the second paragraph of section 59 of said chapter 51.

(c) A voter who registers under this section shall present written identification in the form required by the state secretary's regulations for voting under said section 59 of said chapter 51. A voter who fails to present such identification shall deposit only a provisional ballot under section 76C of chapter 54 of the General Laws.

(d) The requirement for a second voting list at the ballot box under section 67 of chapter 54 of the General Laws, and the first and second sentences of section 83 of said chapter 54, shall not apply to elections held under this section, and election officers need not be assigned to the duties so required.

(e) The state secretary may adopt regulations consistent with law to carry out this section.

As you can see, Section 157 would have allowed towns to conduct EDR pilots for next year's municipal elections. Even though there was no public debate on the Morrissey amendment before it was adopted, there were some very heated discussions behind the scenes involving various senators and the Secretary of State. Our understanding is that the Secretary was strongly opposed to Section 157, as was the Massachusetts City Clerks Association (MCCA) which sent a letter of opposition to the Senate Leadership.

There was great pressure brought by both sides of the issue to have the MTCA join in the fight on EDR pilots. Note that our proposal to eliminate the check-out tables at the polls was included in Section 157 for those

towns that conducted an EDR pilot. While we were pleased to see the check-out table language in Section 157, the MTCA Legislative Committee and I did not feel that we could take a position, either for or against Section 157, since the membership had not spoken on that issue.

The Morrissey amendment was adopted and Section 157 was stricken from the bill. Now the Senate and House versions of the supplemental budget are in "conference." We are pushing to have the House accept Section 156 as part of the final plan put before the Governor.

In the meantime, the advocates for EDR, who fought against the Morrissey amendment and lost, have taken a different approach to securing EDR pilots in towns next year. They have recruited state legislators who are supportive of their cause to approach individual towns to opt in. This will be a very interesting and complicated process that will most likely require a special legislative act for each community to be approved by the Legislature.

ADMINISTRATIVE LIST

As I advised earlier this year, Senator Stan Rosenberg and Representative Steve Kulik have filed legislation this session to study the use of an administrative records list, instead of the annual census, to create jury lists and voters list. Here's a look at the summary for **Senate 2107** bill:

Directs the jury commissioner to establish an administrative records list of the commonwealth's residents 17 years and older for the purpose of testing the feasibility of using such a list for the creation of jury pools; directs the articulated state agencies to provide electronic lists of residents 17 years and older contained in their respective databases; directs cities and towns that perform annual censuses to provide said data to the jury commissioner; requires all public and private commonwealth colleges and universities shall provide such data from enrollment records; regulates the content of said lists; regulates the use of same.

The Senate's supplemental budget contains a section incorporating the provisions of Senate 2107; see **Section 154 of Senate 2291**. Since the House supp budget contained no administrative records list language, the House must concur with the Senate to have the provisions included in the final supp budget to be sent to the Governor.

At this point, we have offered an amendment to the budget conferees in the event that they adopt Section 154. Our amendment would ensure that a representative of the MTCA and a representative of the MCCA are appointed on the "working group" to be appointed to work on the administrative records list

ANTI-SIGNATURE FRAUD

The Senate debated **Senate 2251** on November 3rd. A minor amendment was adopted by the Senate and the bill then approved and sent to the House for its consideration. The bill is now pending more the House Ways & Means Committee.

ELECTRONIC VOTING (E-V)

As you know, E-V is one of the issues that we want studied as part of the comprehensive study to be conducted by the EDR task force. Just this past week, we have seen newspaper stories pointing out serious concerns with E-V and the inability of several states, including California, to meet a 1/1/2006 deadline for complying with federal standards. One of the biggest criticisms of the E-V machines is the inability of machines to reliably produce a written receipt of a vote.

In related news, Colorado just announced that it pulled the plug on its voter registration computer system and will miss the 1/1/2006 federal deadline.

MASSACHUSETTS ELECTIONS SYSTEMS DON'T LOOK SO BAD DO THEY?

It seems appropriate, after an all elections report this month, to close with important personnel news from the State Secretary's Office. In case you have not heard, Secretary Galvin has appointed Michelle Tassinari as the new director of the state Elections Division.

Congrats, Michelle,

And *HAPPY HOLIDAYS, ALL*

**Year-End Campaign Finance
Deadline is January 20, 2006
By Denis Kennedy, Director of Public Information, OCPF**

It's that time of year again.

Year-end campaign finance reports from all municipal candidates and committees are due with local election officials on Friday, Jan. 20. Incumbents who may not have been on the ballot in 2005 would file reports covering the entire year, while those who were elected this year would file reports starting from the post-election report filed in the spring (for those in towns with spring elections) or the pre-election report filed on Oct. 31 (for towns with fall elections and for cities). Also required to file are candidates who do not currently hold office but whose last reports showed an ending balance or continuing liabilities, such as unpaid bills or outstanding candidate loans. All filers use the M 102 reporting form, which is provided to local election officials by OCPF. Candidates without committees who had no receipts (including from themselves) or expenditures may simply enter zeroes on the appropriate sections of the M 102 form, or may sign the M 102-0 form, which may be completed by several candidates. Candidates who do not file are subject to a \$10 per day fine upon referral to OCPF by the local election official. OCPF recently sent out its annual mailing to clerks and election commissioners, which included an order form for campaign finance materials for year-end filing and the 2006 elections. If you did not receive a mailing, or need to update your address with OCPF, please contact us. We've set up a special e-mail address for your exclusive use: clerks@cpf.state.ma.us. Of course, if you need further assistance, you can always call Mike Sullivan or me at (617) 727-8352 or (800) 462-OCPF.

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Carol Carson
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Massachusetts State Ethics Commission

The Massachusetts State Ethics Commission has issued its the Fall edition of the *Bulletin*, the newsletter of the Massachusetts State Ethics Commission. It is available for download at http://www.mass.gov/ethics/Fall_05.pdf .

This issue features:

- Commission Welcomes Two New Commissioners, Bids One Goodbye
- Commission Issues Advisory on Lobbying
- Primer on Former State Employees
- Virtually All State Employees and Officials File Financial Disclosure Statements on Time
- Commission Co-Hosts Council on Governmental Ethics Laws Conference
- Recent Enforcement Matters
- Staff Notes

Please feel free to share this email with anyone whom you think will benefit from this publication.

If you would like to add your name to our mailing list, please contact ccarson@eth.state.ma.us.

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102 Year Old Gravestone Home in Sudbury!!!!
From Barbara Siira, Town Clerk, Sudbury

The Gravestone of Jesse Parmenter a resident of Sudbury, who died March 21, 1903 at the age of 92, 2 months, and 14 days was picked up this morning from the Town of Middleton's DPW Dept. and returned to Sudbury. Scott Taylor called to let us know that he had someone from the Highway Dept. pick it up this morning in Middleton.

Mr. Parmenter was born in Sudbury, the son of Jesse (Sudbury) & Jerusha Wheeler (Sudbury) and was buried at Mt. Wadsworth in Sudbury, his occupation was a farmer.

The last living relative, according to Scott Taylor was buried at this site in 1991; there were no relatives to notify the Town of Sudbury that it was missing.

A few months ago Judy St.Croix, Town Clerk, in Wayland called to ask if we had a Wadsworth Cemetery. When she found out that we did, she explained she had received a call from Scott Saulnier of the DPW Dept. in Middleton, MA who had in his possession a white gravestone, very old, with the name Jesse Parmenter, and the date of death. He had done some research and learned that there were some Parmenter's located in Wayland at Wadsworth Cemetery. They didn't have anyone by that name, nor a Wadsworth Cemetery in Wayland, and then she thought of Sudbury! After hearing that we indeed did have a Wadsworth Cemetery and upon investigation we found that we had a deceased card for this person, she was excited that the mystery was solved and asked if we would contact Mr. Saulnier.

According to Mr. Saulnier the Police Dept. in Middleton had found the stone and thought it belonged in their cemetery, so they brought it to the DPW. They have no idea how it ended up there but he wanted the stone returned to its proper home. Thank you Mr. Saulnier!

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

What President didn't like the idea of having a national Thanksgiving Day?
The answer to my November question is: Thomas Jefferson.



JANUARY

1ST **HAPPY NEW YEAR**
8th New Orleans Day That the memory of the services of the soldiers and sailors of the War of 1812
15th Martin Luther King, Jr. Day
18th Jaycee Day



MTCA & NEACT CONFERENCE SCHEDULES

2006

MTCA WINTER CONFERENCE
 FEBRUARY 8-10, 2006
 HOLIDAY INN, WORCESTER, MA

IIMC 60TH ANNUAL CONFERENCE
 MAY 14 – 18, 2006
 ANAHEIM, CA

MTCA SUMMER CONFERENCE
 JUNE 14-16, 2006
 SEA CREST, FALMOUTH, MA

NEACTC 39TH ANNUAL CONFERENCE
 NOVEMBER 16 – 18, 2006
 THE MARRIOTT, NEWPORT, RI



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Do You Know the Vendors?
Sally Hayden

Do you wonder why there are vendors at our conferences? Do you wonder where they get the stamina to put up their booths, put a smile on their face and greet you with enthusiasm? Well, the vendors play an important part in our conferences, they help pay for our conferences. The association charges them for registration and for the tables they use. The vendors are **Valuable** to us, in helping us perform our job. Vendors can help your office be more **Efficient**. Vendors can help you with **New** ideas. Vendors are **Devoted** to the town clerks. Vendors will take your **Orders** with a smile. Vendors are always **Ready** to answer your questions, and vendors will never turn down a **Sale**. At our next conference please visit the vendors, make them feel welcomed; ask them questions about their products. I know they will appreciate your visit.

The Public Recorder

Newsletter of the MTCA

1009 Main Street
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The Public Recorder

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