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CONFERENCE
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"Tis the Season"

MCANJ Elections Committee

By Linda Wanat

As Municipal Clerks we are acutely aware of the declining rates of what is a critical inalienable right – the right to vote.

This year the MCANJ Elections Committee is investigating strategies to encourage voter participation in the November election (while remaining totally non-partisan of course!).

Our research reveals a number of creative ideas including cash incentives. Yes, Arizona actually proposed a voters' lottery in which one lucky voter would win a million dollars every time there was a major election. According to the proposal, this money would come out of leftover cash from the Arizona State lottery.

Other proposals include:

- Declaring Election Day a national holiday.
- Free food-team with a national food chain to offer a tasty treat at the polls.
- Special lanes with lines for voters rewarding those who vote by allowing them to drive in the express or carpool lanes on our highways.

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MCANJ Joins OPRA Case as Amicus

By Steve Goodell, MCANJ Counsel

Two important OPRA cases are making their way through the courts, and this summer, for the first time in ten years, the MCANJ was asked to file amicus curia – or "friend of the court" briefs to support the municipal interests.

The first case was Sheeler v. City of Cape May, which is being considered by the Appellate Division. The issue in the Sheeler case is whether an out-of-state resident has a right to request documents under OPRA. The trial court ruled that OPRA only applied to in-state residents and denied Sheeler's request. The court's decision conflicted with contrary rulings from Ocean and Burlington counties.



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Hunterdon:	Michele Bobowski, Alexandria Township	Warren:	Kelley Smith, Harmony Township
Mercer:	Debra Sopronyi, Hightstown & Roosevelt Boroughs		

Message from President Denise Szabo



Autumn has always been my favorite season of the year. The glorious spectacle of nature's colors, the crisp cool air, and getting back to a routine.

The General Election on November 8, 2016, should prove to be a very interesting event and as the date nears, municipal clerks' offices are a buzz with questions and new voter registrations.

As of this writing, some recently signed legislation concerning elections includes: S-2099/A-3728 (Vitale, Turner/Singleton) - Places two-year moratorium on moving date of Type II school district's annual school election from day of general election in November back to third Tuesday in April; creates study commission.

However, bills vetoed by the governor include: A-1944/S-1228 (Coughlin, Schaer, Eustace, Downey, Benson, Wimberly, McKeon, Jasey, Chiaravalloti/Vitale, Gill) - CONDITIONAL - Automatically registers or updates voter registration as part of driver's license application or renewal; and A-3591/S-2116 (Zwicker, Holley, Muoio, Eustace, Barclay, McKnight, Mukherji/Beach, Gill) - ABSOLUTE - "New Voter Empowerment Act"; permits 17 year olds to vote in primary election if they turn 18 years old before next succeeding general election.

Important Dates to Remember:

October 18	Voter Registration Deadline
November 1	Deadline to apply for Mail-In Ballot by Mail
November 7	Deadline for In-Person Mail-In Ballot Applications

Annual Education Conference Save the Dates – April 25, 26, and 27, 2017 - "Everything Counts"

In the July issue of the Quill I reported the results of our recent membership survey concerning the location of the Annual Education Conference. Forty-two percent of respondents preferred that the conference be moved to a more central location and thirty-eight percent preferred that the conference remain in Atlantic City.

Executive Director Joel Popkin and I visited several facilities both in Atlantic City and other areas of the state; however, with the survey results being so close, and a very appealing quote from the Taj in Atlantic City, which was already holding our preferred dates the week of April 24, we decided to hold the conference there.

Fast forward to a few months ago, the strike at the Taj and then an announcement of closing, and we had to quickly switch directions.



We ultimately found a wonderful facility, centrally located in the state which is able to accommodate our dates of April 25, 26 and 27, 2017.

I am happy to announce that we have signed a competitive contract with The Palace at Somerset Park for the 2017 Conference. The Palace is located in Somerset County and has convenient access off Route 287.

This is a state-of-the-art meeting facility only minutes from downtown New Brunswick.



Message from President Denise Szabo

(continued)

The MCANJ conference is the only event booked at The Palace for these days and we will have the entire facility to ourselves.



While The Palace does not have housing attached to the facility, MCANJ has reserved blocks of room at the [Fairfield Inn & Suites](#) on Davidson Avenue in Somerset and the [Doubletree by Hilton](#) on Atrium Drive in Somerset at special rates. The Fairfield Inn & Suites is right next to The Palace, and the Doubletree is less than one mile away. More details to follow on booking a room.

Also new this year, is that attendees can earn a full two CEUs in each of the required disciplines, and three in Ethics. Opportunities for registrar credits and information technology credits will also be available.

The theme of the 2017 conference is “Everything Counts,” and when you think about it, everything indeed does count—our appearance, our behavior, our communications and our digital footprint. We have contracted with Carol Ridolphi, who is president and founder of CER Image Consulting, LLC, to be our keynote speaker. Carol has an interesting and interactive program planned.

More details to follow—but for now, be sure to Save the Dates – [April 25, 26, 27, 2017](#).

New! Need-Based Scholarship Opportunity MCANJ Education Conference

In order to encourage attendance at the Annual Education Conference, MCANJ is offering five need-based conference scholarships to current members to promote interest by those members who have not attended prior conferences, or have attended at their own expense. The scholarship covers the cost of the conference. All ancillary costs including hotel and travel are not covered by the scholarship and are the responsibility of the scholarship recipient.

Priority Consideration for Award:

1. RMCs who have never previously attended an Education Conference
2. RMCs who have previously attended at their own expense
3. Non RMCs who have never previously attended an Education Conference and are in the process of taking the classes; the recipient must have successfully completed at least three of the five classes
4. Non RMCs who have previously attended at their own expense and are in the process of taking the classes; the recipient must have successfully completed at least three of the five classes
5. RMCs who have previously attended at their employer’s expense
6. Non RMCs who have previously attended at their employer’s expense

[Click Here](#) to complete an application. The submission deadline is January 15, 2017.



Reflections of a Borough Clerk's Son

Guest Writer – Donald Esposito,

Historian and Somerset County Cultural & Heritage Commission, Grant Committee Chairman



What it was like to be the son of a borough clerk? This question prompted the task of searching my memory for what it was truly like to grow up in the small town of Raritan in the 1940's to the early 1960's.

When I was born the town population was about 2,000 but, not surprisingly, the population would increase. The town was so small most jobs were part-time, indeed there wasn't 24 hour police protection. The only full time employees were the street men. My dad's borough clerk's position was part time and that's after he put in a full day at Johns Manville.

My first memory of my dad's involvement in civic affairs was not of him as clerk but as a volunteer fireman. Being a fireman had perks for a child of 6. We, my brother Frank and I, got to go to the firehouse on some Saturdays and play on the fire truck. But it soon dawned on me we were the only fireman's kids who got to do this. You see, Dad had an office at the back of the firehouse. Let me clarify this: the town was so small the firehouse, built in the 1870's, was the seat of government. The police were housed in the back in a converted horse shed while everything else was in the firehouse. Indeed, my dad's office also doubled as council chambers, mayor's office, planning board and judge's chambers -- court was held upstairs in the meeting room behind the firemen's lounge.

Frank and I had a great deal of fun pretending to race to fires on the 1929 pumper, however we had to be careful not to ring the bell or crank the siren or Dad would be out in a flash to tell us we shouldn't be on the fire trucks. We were supposed to go to the fireman's lounge and play with the toys we brought. More than likely we played pool on the great pool table they had.

All in all, things were good as I was growing up. But the town was getting bigger – more people, more demand for services – problems for me. For instance, the sun porch on our house had served as a play room for my brother and myself, we had a great toy box which at this point had more baseball bats and gloves than toys. One day we discovered to our dismay that our bats and balls had a new home in the cellar way. The toy box had disappeared and the sun porch was turned into a home office. It became clear to me that my dad's part time job was going to affect my life.

Since Dad had the small office in the sunporch he would type the town minutes there as well as issuing dog licenses. When Dad was at the office in the firehouse, licenses were issued there and not from home. This worked well until a young boy came to the door with his dog. Dad wasn't home so my mom, Hazel, was going to issue the license. The boy had saved up his money to buy the license, his parents had said the dog was his total responsibility. He took out his coins, a total of \$1.25, the same amount as the previous year. Mom looked at the form she had to fill out discovering the price had changed to \$1.75, a 50 cent increase. Knowing the boy had earned the fee through his paper route and the family could not afford the extra money, she covered the difference. Nevertheless, she was furious the state had raised the price. Shortly after this incident, which my dad heard about frequently, the town hired a full time secretary and licenses were issued from the firehouse. The power of an outraged citizen!

Soon the town had a full time police department, one full time secretary and was experiencing rapid growth. The days of various officials operating from their homes was drawing to an end but not before one last incident that taught me a great deal about human nature. There was a mailing that had to go out; a letter on Borough stationary put into Borough envelopes and mailed. Most of the envelopes had been stuffed and were ready to go but some still needed to be stuffed and sealed. Dad asked me to finish up the job and mail them. Simple enough or so I thought for a fifteen-year-old kid. Well, I thought I had stuffed all the envelopes but apparently I hadn't, and mailed them. Shortly after, the phone began to ring--the people who received the empty envelopes reacted.

A couple of people promised to pay their late taxes while others called to say they intended to pay their parking tickets, still another assured my dad that he would fix a broken shutter on his house. All this reaction to an official but empty envelope I neglected to stuff; I learned a little guilt can go a long way to spur action.

Reflections of a Borough Clerk's Son (continued)

My friends and I were also learning Dad was well known and as a result it was hard for us to go anywhere in town without someone reporting back on what I shouldn't be doing. Crossing the railroad tracks anywhere other than at the official walkway was forbidden by my parents. But it was so much easier to walk over the tracks at the end of the street. Not surprisingly, every time I did "somebody" would see me and report my transgression directly to Dad.

However, one of the perks of being the clerk's son, as I grew politically aware, was sitting in Dad's office on election night as the results came in to be posted.

Growing up I began to realize the importance of the clerk's position in keeping the borough running in a smooth and efficient manner. Almost everything of an official nature passed through his office. Dad was the borough clerk and administrator of the borough of Raritan for fifty years. His part-time job became a full-time position in the early 1970's when he retired from Johns Manville. He truly loved his job and was dedicated to making his town a better place.



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PEOPLE PAGE



Pam Borek

Welcome to the People Page! My name is Pamela Borek and I am the Clerk in Hillsborough Township, Somerset County. This is my first contribution to the Quill. I have big shoes to fill with the retirement of Sharon Brienza of Branchburg, who had the pleasure of contributing to the People Page for the past 9 years. I look forward to sharing and celebrating your news about your retirements, transitions and other congratulatory milestones. I will respectfully offer our condolences as a Clerk community in your time of sorrow. Most importantly, I look forward to getting to know all of you.

Please do not hesitate to contact me with your news at pborek@hillsborough-nj.org and remember to send pictures.

I look forward to hearing from you soon.

Pam

RETIREMENTS

Atlantic County

Somers Point: **Carol DeGrassi** retired in July after over 20 years of service

Atlantic City: **Rhonda Williams**

Ventnor City: **Janice Callaghan**

Hamilton Township: **Joan Anderson**

Weymouth Township: **Bonnie Yearsley**

Burlington County

Joy Weiler of Florence Township was recently honored at the Florence Township Patriotic Day Celebration in recognition of her upcoming retirement.

Barbara Sheipe of Palmyra Borough retired July 29th, after 23 years of service.

Donna Ryan, Township Manager and Township Clerk for Westampton Township retired on August 31st, after 38 years of service.

Middlesex County

Sharon Doerfler, Township of Monroe retired on September 1st, after 36 years of service to the Township.

Morris County

Kathy Costello, Deputy Clerk in Denville (Morris County) also recently retired after 30 years of service.

Ocean County

Bernadette Park of Stafford Township (Ocean County) recently retired after 32 years of service.



THE QUILL

Somerset County

After 29 years, **Sharon Brienza**, Township of Branchburg, (Somerset County), retired as of August 1, 2016. Close to 150 people gathered at Neshanic Valley Golf Club to honor Sharon in her retirement. Township Administrator Gregory Bonin emceed the event. Speakers included Sharon's parents, Barbara and Tony Carozza and members of the Branchburg Township Committee. Those making presentations included Somerset County Board of Chosen Freeholders – Freeholder Director Patricia Walsh, 2015-16 President of the MCANJ - Keith Kazmark, and President of the Municipal Clerks Association of Somerset County - Ann Marie McCarthy. As everyone knows, Sharon will be moving to Delaware where she and her husband Rich purchased a new home four miles from Bethany Beach. She wants everyone to know that if they are in the area to please call her.



Sharon Brienza celebrates with Branchburg officials at her retirement dinner.



Retirees Sharon Brienza – Branchburg and Patricia DiRocco – Warren toast to their retirements!

Patricia DiRocco also retired on August 1, 2016 after nearly 16 years as Township Clerk in Warren Township (Somerset County). Even though Patricia is retiring from government service and a job she loves, she will not be retiring completely as she will be caring for her new granddaughter. She said the opportunity to care for her first grandchild was something she could not pass up.

Congratulations and best wishes to all of the recent retirees!

TRANSITIONS

Atlantic County

Lucy Samuelson, former Deputy Clerk in Somers Point was appointed as Somers Point City Clerk.

Rita Martino was appointed Clerk in Hamilton Township.

Kelli Danieli was appointed Clerk in Galloway Township.

Burlington County

Marion Karp is the new Township Clerk for Westampton Township effective September 1st. Marion was the Deputy Clerk in Westampton. She started in May 1994 and became full time in September 1998.

Debra Shaw-Blemings is the new Township Clerk for Lumberton Township effective August 15th.

Doretha (Rita) Jackson was appointed the Palmyra Borough Clerk.

Middlesex County

Patricia Reid was appointed as the Clerk in Monroe Township.

Morris County

Danielle Lewis was appointed as Denville Township Deputy Municipal Clerk.



Danielle Lewis is sworn in as Denville Township Deputy Municipal Clerk

Ocean County

Kimberley Hodsdon was recently appointed as the new Stafford Township Clerk.

Kathy Fenton-Newman was recently appointed as the new Island Heights Acting Borough Clerk.

Somerset County

Marguerite (Maggie) Schmitt, formerly Borough Clerk for the Borough of Raritan has been appointed to the position of Township Clerk of the Township of Branchburg, effective August 1, 2016. Sharon Brienza administered the Oath of Office to Maggie on July 25, 2016.

Cathy Reese, formerly of Long Hill Township was appointed Township Clerk for the Township of Warren.

Union County

Rayna Harris, formerly of Hillside, was recently appointed as City Clerk of Rahway.

We wish you all the best of luck in your new positions.

COUNTY NEWS

The Mercer County Clerk's Association held their annual election meeting on June 23, 2016. Immediate Past President Keith Kazmark gave a presentation on "the Municipal Clerk and the Governing Body" for CEUs in Professional Development and also swore in the newly elected board members: Vice President Laurie Gompf, Clerk of Hopewell Township, Secretary Lisa Fania, Deputy Clerk of Hopewell Township, and Treasurer Kim Macellaro, Clerk of Ewing Township. Clerk of the Year Sharon Young of West Windsor Township held the bible. The new President of the Mercer County Clerks Association is Debbie Sopronyi, Clerk of Hightstown Borough and of Roosevelt Borough.



During their meeting on June 14, 2016, the Municipal Clerks' Association of Somerset County welcomed MCANJ President Keith Kazmark who presented retiring Warren Township Clerk Patricia DiRocco with a gift from the Association. Patricia and Sharon Brienza were also presented with gifts from the County Association thanking them for their service to the MCASC and their municipalities.

CONDOLENCES

Former **Bergen County Clerk, Carl Hartmann** passed away on June 4th at the age of 92. Carl was a lifelong resident of Wallington. He was a US Army during WWII Veteran and served as the Wallington Borough Clerk during the 1960's and early 1970's. He became the Bergen County Clerk in 1974 and held that position until his retirement in 1989.

Margaret "Marge" C. Francisco, retired Clerk and Administrator, 77, of Bedminster, passed away on Thursday, July 14th. She was born in Ben Avon, Pa., on Dec. 2, 1938 and resided in Basking Ridge before moving to Bedminster 46 years ago. Mrs. Francisco also worked at the Clarence Dillon Public Library in Bedminster for more than 20 years. She was a former member of the Bedminster Township Board of Education and a member of The Hills Crestmont Division Homeowners Association.

Donna I. Costello, retired **Denville** Municipal Clerk passed away suddenly on July 9th. Donna retired in June of 2014 after serving the Township as the Municipal Clerk for 34 years. Donna was born and raised in Brooklyn, NY. She was a member of the Denville Rotary Club, Past President in 1996-97 & 2002-03. She was also a proud Honorary Fireman for the Denville Fire Department, a member of the Denville Chamber of Commerce, a member of the Municipal Clerks Association of NJ and Morris County, a board member and past Treasurer for the N.J. Foundation of the Blind, and a Merit Badge Counselor for the Boy Scouts of America.



Election Fraud—Reality or Myth or Just Something Else to Argue About?

*Richard Lustgarten
Immediate Past MCANJ Legal Counsel*

In preparation for previous articles I would draw on my own experiences and research primary source material. While the topic of election fraud has been espoused by certain candidates, written about in “prestige” journals and been the subject matter of several lawsuits, it is difficult to get a true handle on just how pervasive it is. Consequently, some of the information set forth herein has come from secondary and sometimes tertiary sources and should be considered in that light.

Many years ago, when I served as First Assistant Bergen County Counsel, election days were spent at the Courthouse. One of my responsibilities was to represent the Constitutional officers which, of course, included the County Clerk. On Election Day a judge was specifically assigned to hear emergent matters concerning the particular election which included individuals who attempted to vote but for one reason or another were precluded from doing so. On an expedited basis we took testimony from people who were not listed on the official rolls and were therefore turned away. Over a four year period I would say that the various judges and I were on the same page. Even if the testimony of the potential voter raised some doubts, we felt that anyone who took the time and trouble to run to the Courthouse for an order entitling them to vote was a truly motivated citizen and we were not going to erect artificial roadblocks. I can unequivocally say that I never believed that any of the applicants were committing fraud to exercise their right to vote.

Of course, this relatively small number of litigants does not create a universe of voters and neither proves nor disproves the extent of any fraud but the one hundred percent of non-fraudulent applications tells me anecdotally that fraud was not the motivation to get the court order, but rather a sincere desire to exercise their franchise.

In New Jersey the penalties for fraudulently voting are those of a third degree crime.. NJSA 19:34-11 sets forth the prohibition. A third degree crime is punishable by a 3-5 year prison sentence and fines up to \$15,000. Obviously the severity of the punishment is to protect the integrity of elections which goes to the heart of our democracy.

Voter fraud has been described in many ways but the following seems to be a fair summary of the various types. Double voting, using a deceased person’s name, voting after being disenfranchised (felony voting), voter suppression, registering as a fictional person, impersonating another voter, buying or selling one’s vote and fraud by election officials. It has been extremely difficult to find statistics as to the frequency of occurrence in each category.

Space for this article does not permit a lengthy discussion of voter suppression tactics that were predominant in the South pre - 1965, but some of them were requiring land ownership, a literacy test, a poll tax and limiting the location and hours of where one could register or vote. In extreme cases physical retaliation occurred. The Voting Rights Act of 1965 brought an end to the most overt proliferation of these anti-voting systemic injustices.

Today, there has been a trend in many states to require photo or other identification of the voter at the polls to prevent fraud. Some of these statutes have been stricken or limited by the courts. The argument in favor of these laws goes as follows. We need to present photo ID’s in boarding a plane, when registering in a hotel, sometimes when purchasing alcohol depending how old you appear, in some banking transactions, in closings, when confirming identification in the use of a credit card etc. Why is it onerous to present identification to exercise the right to vote?

The argument against identification is based on the premise that voter fraud is virtually non-existent and the state should not undermine free and fair access to the ballot box. Some voters may not have the requisite identification required although they are bona fide registered voters and that the true motivation underlying these laws is voter suppression. In effect, there is no valid reason to solve a virtually non-existent problem with a solution that will disenfranchise more individuals than will capture a small number of potentially fraudulent perpetrators. *(continued on next page)*

Election Fraud—Reality or Myth or Just Something Else to Argue About?

(continued)

Here is where the “facts” get murky. In the past we have had politically corrupt machines in various parts of the country. Tweed in New York, Prendergast in Missouri, Hague in New Jersey, Daley in Chicago, Curley in Boston, Samish in California and the list goes on. But these bosses are figures in history and while we presently have recognized leaders of political parties in the various states, we don’t usually associate their names with the transgressions of the past. The type of fraud listed above was perpetrated in one form or another in elections where these people were major players. So what is the fraud complained of today? That is extremely hard to identify.

Some articles have indicated that rampant fraud existed in Colonial times where land was promised for votes, election results were unilaterally manipulated and even George Washington spent a significant amount of money on booze to have his neighbors vote him into the Virginia House of Burgesses in 1758. Who knows if these are true or just tales passed down over time so that they become the truths of today?

The left leaning Brennan Center for Justice at New York University School of Law asserts that its studies show that voter fraud is very rare and voter impersonation is almost non-existent. Likewise, Justin Levitt, a professor at the Loyola Law School in Los Angeles, studied the issue of voter fraud from 2000 through 2014. He included general, primary, special and municipal elections. He states that in that time frame more than one billion (that’s right it starts with a “b”) ballots were cast. Guess how many credible incidents of fraud he uncovered? THIRTY ONE. He also found that in general elections in states that required a photo ID, more than 3000 voters were turned away because they didn’t have one.

The Heritage Foundation, a right leaning think tank, in support of strict voter identification laws, reported that it found nearly 300 documented cases of voter fraud but didn’t supply the universe to which it was compared nor the type of fraud involved.

In another study, by News21, 2,068 alleged election fraud cases from 2000-2012 were analyzed. It found that while fraud occurred it was infinitesimal and voter impersonation on Election Day was virtually non-existent. Approximately 37 states have enacted or considered tougher voter ID laws to create what appears to be a solution to a problem that meaningfully does not exist

The NAACP announced that from 2000-2012 only 10 cases of in person voter fraud had been proven nationally.

Finally, one commentator has opined that voter ID laws are not aimed at stopping fraud in absentee ballots, or buying votes, or coercion, or fake registration or voting from the wrong address, or from ballot stuffing by corrupt officials. Rather they are aimed at stopping somebody showing up at the polls pretending to be somebody else in order to cast one ballot---a slow, clunky way to steal an election. For perspective, in 2012 over 126 million votes were cast for the Democratic and Republican nominees for President. If you add in other party candidates the total is over 129 million. In-person voter fraud, even if rampant could not change the outcome where each major party candidate received over sixty million votes.

We in New Jersey enjoy a fairly relaxed voting process with accessible polling places, generous hours that the polls are open, no ID requirement when you cast a ballot and a rather liberal “no-cause required” for absentee ballot voting.

In my view it would be quite useful if, at this presidential election, each Clerk kept a list of attempted fraudulent voters so that New Jersey could have some idea if it is a problem or if we fall within the general national statistics, in case the Legislature needs hard information to consider if it feels voter ID’s are a necessary requirement in the future. Right now reality trumps the myth---no pun intended.

No article is complete without me mentioning OPRA. There I just did. Happy Fall.

“Anti-intellectualism has been a constant thread winding its way through our political and cultural life, nurtured by the false notion that democracy means that my ignorance is just as good as your knowledge” Issac Asimov

“Those who vote decide nothing. Those who count the vote decide everything.”

Joseph Stalin Oh boy!

THE QUILL

"Tis the Season"

MCANJ Elections Committee

(continued from page 1)

Although some of these schemes are already in place throughout the country, here are some initiatives introduced by Municipal Clerks in our own state.

Begin With the Children

Kelley Halewicz, Ringwood, invites second grade classes for a tour of Borough Hall where they are given "goodie" bags with voter registration forms and vote by mail ballot applications.

However, in order for them to really understand the importance of voting she offers a ballot listing their favorite ice cream flavors (vanilla, chocolate or strawberry). She then tallies the "votes" and declares the winner. This year one of the students said she did not like any of the flavors – so she told the student she could do a write in for coffee ice cream, her favorite. She said the kids loved it!

Montclair, in conjunction with the school system, held an "Exercise Your Right to Vote" poster contest. They received hundreds of submissions which were judged by a panel including the Director of the Montclair Art Museum, the Mayor and a Board of Education member. Prizes included donated savings bonds and all artwork was on display in the Council Chamber for the month preceding the general election.

Other efforts included a group of high school students from the Civics and Government Institute who designed a "team uniform". They popped up at Township wide events – from the Fourth of July Parade to local sporting events – wearing tee-shirts with the logo: BE POWERFUL BE HEARD VOTE.

Utilizing Technology

Some Municipalities utilize technology and social media to spread the message.

- A "Count Down to Election Day Clock" can be scrolled across the local public access channel. You can also create PSAs using local celebrities (and even some movies stars if you can persuade them to do a quick spot while filming a movie in your community – think Brad Pitt or the Harlem Globe Trotters). Local media can also help by publicizing voter registration drives.
- While social media is already the choice of politicians to get their messages out, municipalities with social media outlets can use them to remind voters of voter registration deadlines, locations of polling places and hours of voting.

Voting is contagious and habit forming

Research shows that if you persuade one person to vote, they will likely influence at least one additional friend or family member to vote too. And casting a ballot for the first or the second time can instill a lifelong voting habit.

As Municipal Clerks we know that the right to vote is the cornerstone of American democracy. Let us do what we can to encourage our fellow citizens to exercise this right.

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A Day in the Life of a Municipal Clerk Communication is Key!

By Michele Lynn Seigfried

This column is meant as lighthearted humor for those who work as municipal clerks. Our hope is that it will strengthen our relationships by fostering an emotional connection to similar situations we have all experienced. Laughter provides a strong defense against stress, disagreements and disappointments. It helps us to see situations in a more realistic, less threatening light.

Ah, OPRA. How we all love OPRA. I received my first GRC complaint of the month today. The complainant claimed I didn't fill his request. I found my email proving I sent it. *Whew, bullet dodged!* The complainant later replied, "We don't accept emails." I noted to the GRC that the requestor didn't ask for documents to be sent in a certain manner and the requestor included an email address on his form. The GRC contacted the requestor. How? Via email. The requestor's response to the GRC? "We don't accept emails." Needless to say, I won that case.

I received a call from someone who needed a dog license. They asked for the fee. I told them it was twenty-two dollars if the dog was neutered. The caller said, "Huh?" I said, "Spayed."

"Huh?"

"Fixed."

"What?"

"You know, um, did the dog have an operation?"

"I don't understand."

"Can the dog make puppies?"

"Ooohhhh!"



I quickly hung up because someone was at the counter. Svetlana needed a copy of her marriage license. She was in a panic, but I told her not to Svet it. I didn't mean to be sarcastic, it just kind of flew out of my mouth! Luckily, she didn't notice.

The new employee who was sorting the mail stopped by and asked me who Nancy was. I looked at the piece of mail in question, and said, "Give it to Stacy." He asked me if Stacy changed her first name. "Umm, no. Nancy doesn't work here any longer. Stacy took her place."

I wasn't sure the lightbulb went on, but I had another call. It was a complaint that I faxed something to them upside down. I asked the caller if the pages were blank. "No! They are upside down!" I wasn't sure how to tell them to turn the pages around without sounding condescending.

The secretary typing the meeting minutes reported that she couldn't understand the name of the second person speaking. She already knew the first person speaking was "Raj." I said, "Natraj." She answered with, "I know it's not Raj, Raj spoke first. I can't understand the second speaker." I laughed. "No. Natraj."

"I know. Not Raj. Who is it?"

"It's Natraj."

"Uh, Michele, if it's not Raj, then what is his name?"

"N-A-T-R-A-J."

"Oh!"

There are misunderstandings like this all the time. That's why it's important to be clear when you communicate as a Municipal Clerk. An attorney informed me he was going to send me an original agreement for the Mayor's signature. I asked him for two originals so that I could keep one and send him an original back to him after the Mayor signed them. He got a little attitude with me, saying, "Well, I am just going to email one!" And he thinks I'm the idiot.

I always thought it was better to put things in writing to avoid these types of miscommunications. But I'm rethinking that logic after I emailed the public works director about having a speed limit sign made. His response was sent from his cell phone, "I'll let you know when I get the man." I asked him who the man was and if he was going to get the man to make the signs. The next message from him was, "Get THEM IN. Darn autocorrect!"

Communication is really key, isn't it?

MCANJ JOINS OPRA CASE AS AMICUS

(continued from page 1)

The Sheeler case is noteworthy because of the way Sheeler himself harassed the Cape May clerk. The trial judge said it best when he wrote, "Plaintiff's truculence is palpable; his penchant for rebuke is totally inappropriate. Any further discussion of his bullying comments would lend them a dignity they do not deserve. It is inconceivable that the drafters of OPRA would find Plaintiff's badgering tactics to be reasonable requests for public records."

In August the League of Municipalities approached the MCANJ to ask whether the Association would be interested in filing an amicus brief in the Sheeler case. The issue was significant and the outcome of the case would affect clerks statewide. The Executive Board decided that the best, most cost-effective course would be to file an amicus brief jointly with the League. The brief, written by League Associate General Counsel Ed Purcell, noted that "every day municipal records custodians strive to uphold the Open Public Record Act's (OPRA) promise of transparent government. Fulfilling that promise is a herculean job. It requires records custodians to respond to a plethora of complex, voluminous and time consuming record requests. Plaintiff-appellant's argument would turn this herculean task into an absolutely crushing one by giving non-citizens mandatory access to New Jersey government records. Such an expansion goes well beyond what the legislature intended in enacting OPRA."

The case will be heard by the Appellate Division this fall.

The second case was *Paff v. Galloway Township*, which is being considered by the state Supreme Court. The issue in the Paff case is whether a clerk is obligated to prepare a log of emails, when the log never existed before the request. The Appellate Division ruled that the clerk did not have to prepare the log, even if doing so would take just a few key-strokes. The court created a bright line test: if the requested document had not been previously created, the clerk was not obligated to create it for the benefit of the requestor.

Shortly after the League and the MCANJ filed their joint brief in the Sheeler case, Galloway Township approached the Association and invited it to participate as amicus before the Supreme Court.

This decision was harder for the Executive Board. On one hand, the issue was one that affected clerks statewide, but on the other hand filing would cost money that hadn't been budgeted, and the municipal interests were already well-represented by the Township, the League and the Chiefs of Police Association.

After significant discussion the Executive Board decided to decline the invitation to participate. The thought was that if the MCANJ was going to start participating regularly in court cases there needed to be a well thought out policy to guide decision-making about when to participate and when to pass. There are, after all, countless OPRA cases being litigated at any one time.

We will continue to watch the Sheeler and Paff cases with interest. No matter what the outcome, clerks will be affected. But moving forward, we will draft a policy that will consider such things as whether the issue before the court is universal or local; whether the issue is novel; whether the case is strong; whether municipal interests are already well-represented; whether the cost of filing a brief can be justified; and most importantly, whether the Clerks Association can add a fresh or unique insight for the court to consider.

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MCANJ Classes

Event Name	Host Group	Event Date	Event Start Time	Event End Time	Event Location	Event Room	CEU
Legislative Update	TCTANJ, GFOA,AMA NJ, MCANJ	Nov-15-2016	10:00 PM	12:00 PM	(ACCC)	Room 402	Legislative
The Local Finance Board as the Enforcer of the Local Government Ethics Law	MCANJ	Nov-15-2016	2:00 PM	3:40 PM	(ACCC)	Room 414	Ethics
Issues in Municipal Finance	MCANJ	Nov-16-2016	9:00 AM	10:40 PM	(ACCC)	Room 414	Finance
Anybody Need a Ride?	MCANJ	Nov-16-2016	2:00 PM	3:40 PM	(ACCC)	Room 414	Licensing

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MCANJ Membership Report as of September 6, 2016

<u>County</u>	<u>Total # Municipalities</u>	<u># of Municipalities Paid</u>	<u>% Paid</u>
Atlantic	23	17	74%
Bergen	70	38	54%
Burlington	40	22	55%
Camden	37	14	38%
Cape May	16	10	63%
Cumberland	14	6	43%
Essex	22	9	41%
Gloucester	24	17	71%
Hudson	12	3	25%
Hunterdon	26	17	65%
Mercer	13	8	62%
Middlesex	25	16	64%
Monmouth	53	31	58%
Morris	39	25	64%
Ocean	33	21	64%
Passaic	16	10	63%
Salem	15	8	53%
Somerset	21	10	48%
Sussex	24	12	50%
Union	21	12	57%
Warren	22	13	59%

Membership Message

Any person holding an active membership with MCANJ, whose address or jurisdiction changes during the membership year, may carry the membership with him/her to the end of the membership year upon written notice to the MCANJ Treasurer. The Treasurer will update the information in the membership database to reflect the change in address, municipality or county; however, the membership type will remain the same until the end of that membership year.



MCANJ, INC. MEMBERSHIP

As of 9/06/2016

Full —Municipal Clerk	381
Full—Acting Municipal Clerk	10
Full —Clerk of Freeholder Board	1
Full—County Clerk	1
Associate —Assistant Municipal Clerk	24
Associate—Deputy Municipal Clerk	155
Associate—Deputy County Clerk	4
Honorary Membership (Retired)	50
Affiliate—All Other Members	<u>20</u>
Total:	646

Respectfully Submitted,
Diane M. Pflugfelder,
MCANJ Treasurer

**Application for Candidacy
MCANJ Secretary**

Article VI Section 1.1. of the current Constitution and Bylaws of the Municipal Clerks' Association of New Jersey, Inc., specifies, "Any individual seeking to be a candidate for Secretary must file with the Secretary not later than January 15th of the current year of the Annual Business Meeting. No additional applications shall be accepted after this date."

Article VI Section 1.3. specifies the criteria for eligibility to seek office: "All candidates shall have tenure of office, shall have experience and training for that office, shall have received the certification of Registered Municipal Clerk (RMC), and shall be actively employed as a Municipal Clerk."

For anyone seeking the position of Secretary on the Executive Board for the fiscal year 2017 - 2018, the following application must be filed by January 15, 2017 in order to be eligible for consideration by the membership at the Annual Meeting to be held during the Annual Education Conference in the spring. This position shall serve from July 1, 2017 through June 30, 2018.

Name: _____

Address: _____

Municipality Employed by: _____

Position: _____

** Date of Original Appointment: _____

** Date(s) of Reappointment: _____

** RMC Certificate Number: _____ Date Issued: _____

I, _____, hereby certify that I am actively employed by
_____ as a Municipal Clerk and am qualified to submit
(Municipality)

my name as a candidate for the office of Secretary of the MCANJ for fiscal year 2017 - 2018.

Signature

Date

** Attach certified copies of Resolutions of Appointment and RMC Certificate.

APPLICATIONS MUST BE RECEIVED BY JANUARY 15, 2017
AND MUST BE MAILED TO:

Eileen Gore, c/o Hamilton Township
2090 Greenwood Ave., Room 210, Hamilton, NJ 08609
(609 890 3622) secretary@njclerks.org

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2016-2017**



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DEADLINES FOR NEWSLETTER ITEMS

The deadline for People Page submissions for the January 2017 issue is December 5, 2016. Please send People Page news to:

Pam Borek, Municipal Clerk, Hillsborough Twp,
379 South Branch Road, Hillsborough, NJ 08844
or via Email at pborek@hillsborough-nj.org

The General News Articles deadline is December 12, 2016, and may be sent to:

Joseph Kostecki, Borough of South Toms River, 19 Double Trouble Rd, South Toms River, NJ 08757-5105 or via email to:
joseph.kostecki@boroughofsouthtomsriver.com

Questions or comments regarding this or any issue of the *Quill* may be directed to the Editor, Joseph Kostecki,
by calling (732) 349-0403 or using the contact information shown above.

Articles for submission should be prepared in Microsoft Word, using Calibri 10-point font.

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