

An Elected vs. Appointed Town Clerk

A question for the
Town of Hanover

History of the debate in Hanover

- In 2004 and 2008, the Government Study Committees that recommended the Town Manager Act also recommended an **elected** Town Clerk. The Act passed with an elected Town Clerk in 2009.
- In 2011, the Selectmen put the question on the warrant and motioned for an appointed Town Clerk (it failed by majority vote) and requested an appointed Town Clerk on the ballot (it failed by more than a 2 to 1 margin)

History of the debate in Hanover

- In 2014, the Selectmen put the same question on the warrant and motioned for an appointed Town Clerk (it failed on a voice vote) and on the ballot (it failed with over 2/3 against) again
- In 2018, the Selectmen put the same question on the warrant (it failed on a voice vote), only
- In 2021, without providing proper legal Open Meeting Law notice to the public, the Selectmen added a similar article to their April 5 meeting agenda. They then voted to put an article on the warrant to change the Town Clerk's position to appointed, and here we are today.

Benefits of having an Elected Town Clerk

- An elected Town Clerk can remain impartial and neutral during all elections, especially town elections
- An elected Town Clerk maintains the Town's By-Laws according to the actions of Town Meeting, not at the requests of special interests

Benefits of having an Elected Town Clerk

- An elected Town Clerk would not be forced to swear in an Assessor with the incorrect oath of office by a supervisor who wanted someone sworn in immediately, thereby putting the town and our tax rate at risk
- An elected Town Clerk could file an Open Meeting Law complaint if a board or committee ignored the rights of residents to be forewarned of the board's proceedings

Benefits of having an Elected Town Clerk

- 95 % of a Town Clerk's job is dictated by state statute; an elected Town Clerk would not be forced to act upon Town Manager's priorities and could instead respond to the priorities of the law and the people
- The Town Clerk serves the people who elect him or her and will operate accordingly; customer service will always remain the top priority

Keep your job or follow the law?

- An elected Town Clerk could not be pressured to support a candidate for Selectman (who supervises the Town Manager who supervises the Town Clerk) in order to keep his/her job
- An elected Town Clerk's record of Town Meeting action for submission to the Attorney General would be reflective of Town Meeting's actual actions, not possibly favoring the position of Town Manager and Selectmen so that the Town Clerk could keep his/her job

Keep your job or follow the law?

When the Town Manager Act is being amended:

- An elected Town Clerk's submission of Town Meeting action to our State Representative to amend the Town Manager Act would be reflective of town meeting actions, not what Town Manager or Selectmen may want
- When determining when legislation should go into effect (upon passage or 30 days after passage), an elected Town Clerk will reflect the will of the Town of Hanover, not solely the will of the Town Manager or Selectmen

Keep your job or follow the law?

What if an appointed Town Clerk was asked or forced to do something illegal in order to keep his/her job, such as:

- Accept absentee ballots after the deadline
- Certify that a 20 day appeal period for apartments at the mall had passed...when it hadn't
- Accept a request from an influential resident for a forged birth certificate or new birth date on a voter registration card

What are the long-term implications for our town?

Are we in line with the rest of the state?

- Approximately two-thirds – 234 out of 351 (at last count) cities and towns in Massachusetts - have an elected Town Clerk.
- On the South Shore, only cities with mayors (Braintree and Weymouth) have an appointed Town Clerk.
- All other towns in our area have elected Town Clerks



Therefore...simply...

The rationale to keep the Town Clerk
in Hanover elected remains strong.