

**TOWN OF ARLINGTON**  
**TOWN MEETING ELECTRONIC VOTING STUDY COMMITTEE**

*October 22, 2012*

**Call to Order**

The special meeting of the Town Meeting Electronic Voting Study Committee was called to order by Committee Chair Eric Helmuth at the Second Floor meeting Room of the Town Hall Annex on October 22, 2012, at 7:28 PM. The notice calling this meeting is appended to these minutes.

*Quorum*

A quorum was present: Alan Jones, Wes Beal, Eric Helmuth, Elizabeth Patton, Raymond Charbonneau III, Adam Auster, and John Leone. (Steve Storch arrived before any business was transacted.)

**Approval of Minutes**

MOTION  
*Approval of  
Minutes*

Wes Beal moved that the minutes of the October 11 meeting be approved

The motion passed.

**Reports**

*Elizabeth Patton:  
Framingham Town  
Meeting*

Elizabeth Patton said she attended Framingham's fall Town Meeting last week, where she observed an electronic-voting system in use.

She said she was struck by the importance of usability of the system.

Ms. Patton described a two-stage check-in to collect voting credentials in the form of a badge and then a hand-held voting device. Each device was numbered and associated with the name of a particular member.

She described two issues with the devices that emerged early in the meeting. One member said a handset label was peeling off. Following a test vote, another member reported that his handset was not recording his vote.

These issues were resolved swiftly, she said.

Ms. Patton reported that the device is more complex than needed, with a complete numeric keypad and other buttons.

She reported that a small volunteer staff supervises the distribution and collection of handsets.

Ms. Patton reported that some staff members told her that they believe Town Meeting had been energized by the technology. They also told her that Town Meeting was using it to count a smaller portion of votes than during the Spring Town Meeting, when electronic voting was introduced.

She said she saw the handsets used to tally votes on a motion to commit because it seemed close. When tallied electronically the motion failed by a tie vote.

She said this was followed by a failure of the technology to display the voting screen on another question. Eventually the meeting proceeded by counting votes in traditional, non-electronic ways.

She said that the person operating the system needs to be prepared to deploy the electronic-voting system for every vote.

*Report of the  
Chair:  
Requirements  
and Request for  
Information*

Eric Helmuth, Committee Chair, distributed a report based on the Committee's discussion of system requirements at the October 11 2012 meeting.

His report is attached to these minutes.

The committee continued to discuss the technical requirements, which might form the basis for a formal request for information to vendors of electronic-voting technology.

The discussion identified the following possible issues:

- need to specify the dimensions of the Town Hall Meeting Room
- interfacing with Arlington Cable so that voting results can be broadcast in real time

- battery life and characteristics
- unique hardware IDs
- does not interfere with and cannot be interfered with by other wireless systems

*Secretary's Report*

Adam Auster, Secretary, said that he is providing draft minutes to the Town Clerk, Stephanie Lucarelli, because of her interest in the Committee's work

*Adam Auster:  
Aspects of Voting*

Adam Auster presented a report on legal and other aspects of Town Meeting voting, which is attached to these minutes.

He said there were several questions for the committee to address, and that the most critical was that of whether and how to fit the new technology into the existing framework of law and practice.

**New Business**

MOTION:  
*Next Meeting*

Wes Beal moved to set the time of the next meeting to 7:30 pm on ~~Thursday~~, November 14 at 7:30 PM at a time and place to be determined by the Chair.

The motion passed.

MOTION:  
*Adjournment*

Adam Auster moved to adjourn.

The motion passed.

**Adjournment**

The meeting adjourned at 8:55 PM.

Adam Auster, *Secretary*

**Correction**

The motion setting the time of the next meeting was corrected by deleting the word "Thursday."

**APPROVED**  
as corrected  
November 28, 2012

Adam Auster, *Secretary*

Town Meeting Electronic Voting Study Committee

Eric Helmuth, Chair | Adam Auster, Secretary

Monday, October 22, 2012, 7:30 p.m.

Town Hall Annex, 2<sup>nd</sup> floor Meeting Room

AGENDA:

- 1 - Call to Order
- 2 - Review and Approval of Minutes
- 3 - Discussion of Framingham Special Town Meeting observation
- 4 - Discussion of technology requirements for electronic voting systems (continued)
- 5 - New Business
- 6 - Set future meeting schedule
- 7 - Adjournment

## Some Legal Requirements of Town Meeting Votes Adam Auster, October 2012

The current practice of voting at Town Meeting, and the legal requirements for voting, have implications for the work of Arlington's Town Meeting Electronic Voting Study Committee.

### **Methods of Voting**

There are many ways to vote at Town Meeting. All methods produce a result that is announced by the moderator and entered into the minutes of the meeting.

There is a clear hierarchy of voting methods from yeas and nays to division (rising vote) to roll call and even to secret ballot. The steps for calling and conducting each method are well understood and in some cases provided for by bylaw. Five members, or the Moderator, may call for a division, effectively an appeal of the voice vote; thirty members may call for a roll call following a division.<sup>1</sup>

Voting unfolds in a clear and transparent way that is generally understood and broadly accepted. All hear the results of a voice vote and may form their own conclusions. Tellers tally rising votes by section in the presence of the meeting and their sectional counts are announced publicly to the Moderator. The rare roll call vote is similarly public.

The different methods from voice to division to roll call provide increased precision and information.

Once any escalations of method (for instance, to a division) are exhausted or not promptly exercised and the moderator announces the final result, the vote is final. It is not subject to question or reversal other than through a motion to reconsider.<sup>2</sup>

Voting by secret ballot is restricted for representative town meetings in Massachusetts, only allowed by a 2/3 vote (MGL Ch. 39§15). This restriction is consistent with an argument that, for representative town meetings, the public's right to know how their representatives vote generally outweighs the rights of those representatives to privacy (see for instance Town Meeting Time 149–151).

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<sup>1</sup>Arlington's bylaws (Title I Art.1§10.C) require that all votes "in the first instance" be by voice.

<sup>2</sup>An incorrect call by the Moderator could be disputed through litigation.

As with other methods, the result of a ballot vote becomes final when announced by the Moderator.

### Issues for the Committee

1. The most obvious question is whether the electronic method of tallying votes can be fitted in to the above framework. There would be advantages to taking that approach versus creating some new system that operates in unfamiliar ways by unfamiliar rules.

If so, where should votes counted using the new technology fit in to the familiar hierarchy of methods? And, how should they be invoked?

2. One possible use of the technology that the Committee has already discussed is as a quick tally in which only totals, not individual votes, are reported. A bylaw change would be required to substitute such a vote for a voice vote in the first instance. Would the current bylaw permit an electronic tally concurrent with a voice vote?
3. Should electronic roll-call votes, in which the votes of individual members become part of the public record, replace the traditional roll call in every instance? Or are there still some circumstances in which the Moderator should sequentially call the roll and poll for votes? In either case, under what circumstances should these options be exercised?
4. Electronic voting is similar to balloting in a way that the other methods are not. In both cases, individual votes are tallied not on the floor of the meeting but elsewhere, and then reported to the meeting by the Moderator. So, is electronic voting a form of balloting?<sup>3</sup>

In the case of an electronic roll-call vote this would present no legal difficulty, as the “ballot” (if that is what it is) is not a secret one.

However, if electronic voting is a kind of voting by ballot, then is the use of the technology for a quick tally, with no individual votes reported, a secret ballot? If so, it may only be authorized by a 2/3 vote of Town Meeting.

We may wish to seek the opinion of Town Counsel on this point.

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<sup>3</sup>Unlike a traditional ballot, the electronic quick tally could be made subject to an appeal to a rising vote—an argument *against* interpreting it as a kind of balloting.