

## **ATM REMOTE PARTICIPATION GROUP**

### **Work to date and Current Recommendations**

**January 30, 2023**

#### **Executive Summary:**

Early on in the Access To Town Meeting Committee (ATM), a sub-group called the Remote Participation Group was formed consisting of Tom Barry, Eric Barber-Mingo, and Steve Edwards. This group had as its mission to help increase participation at Westford Town Meeting using some form of remote participation. During the course of the next year and a half, the Remote Participation Group has worked on researching and developing recommendations on three potential methods to move forward with increased participation. Those three methods are as follows:

1. The Salem, New Hampshire Method – Residents would attend (or listen remotely) to two information sessions meant to describe the content and intent of the various articles to be brought before town meeting. Following those information sessions, Paper Ballots would then be generated with the most up to date information on each article and mailed to all registered voters. Voters would have a specific date to complete and return their ballots to the Westford Town Clerk.
2. Two Meeting Method – Residents would attend Town Meeting, motions would be made, discussions would take place, amendments would be made and final wording of each article would be developed. Just prior to the vote, the meeting would be paused and a second meeting date would be determined where registered voters would re-assemble strictly for the purpose of voting on each article. No further amendments could be made during the second meeting. The advantage here is that actual voting would be conducted very quickly and residents wouldn't have to sit through 6 or 8 hours waiting for a particular article to come up.
3. The Town of Wayland Method – Work towards electronic (at home) voting whereby registered voters could either physically attend the town meeting, participate and vote as is currently done using voting tabulators (clickers), or watch the proceedings from home, participate electronically with questions, comments, motions, amendments, etc., then vote through their personal cell phones using their keypads to vote yes or no.

There are pros and cons to each of these methods which will be discussed in the details below. However, as each of these methods was researched and discussed, at the present time the negatives outweigh the positives. For this reason, the Remote Participation Group, with input received from the entire ATM Committee at its meeting held on Tuesday, January 17, 2023, has decided that now is not the right time to proceed further with any of these three possibilities. It appears that some day we will see the advanced/approved use of remote participation from home. For the time being we recommend that we simply monitor the progress of the Town of Wayland as they make their way through the Massachusetts Legislature hoping for approval of their proposal for remote electronic home participation. We also recommend asking the Select Board to send a letter to the State Representatives and the Massachusetts Governor suggesting that this is a statewide problem in most towns and requesting that the State work to solve the minimal town meeting attendance problem.

### Discussion and details:

**As far as the Salem Method is concerned**, this concept was presented to Greg Corbo, Westford Town Counsel, for his opinion before proceeding. Greg was very negative on this proposal citing a 1918 case opinion concerning what constitutes a town meeting. In his response to us, Greg noted that the provisions in the 1918 case “demonstrate that an essential feature of Town Meeting is for residents to participate in the legislative process by debating and voting on matters in person. The change being proposed fundamentally changes this by allowing persons to vote without being present. Even if such a change can permissibly be made under the Constitution, it may be very difficult to convince the Legislature to approve it.” Greg also noted that “a change to the Town’s form of government will require approval of the Legislature, either in the form of a Charter amendment or special act. That being said, because the form of town meeting government is defined in the Massachusetts Constitution, this may be a change that is even beyond the authority of the state legislature without amending the State Constitution. Such a Constitutional amendment is highly unlikely, in my opinion.”

**As far as the Two Meeting Method is concerned**, the group went back to Greg Corbo to obtain his opinion of this method. We asked the question: Would it be legal under existing law to divide Town Meeting into two separate in-person meetings, one where deliberations and editing to warrant articles take place and one a reasonable time afterwards where residents convene – in-person – to simply cast votes (either by raising paddles or putting paper ballots in a box)? The core “access” idea that is fostered by this format is allowing more people to see and comprehend the warrant articles in their final “deliberated” format before final voting takes place. A second “access” idea that this format addresses is that it allows people to vote without a significant time commitment on the day of the vote – gone would be the “access” impediments of waiting for hours for the vote(s) that one cares about to arise or trying to structure one’s day and “time” when one’s key vote(s) will occur. To this second proposal, Greg responded being somewhat less negative saying “Although I am not aware of any precedent for this type of arrangement, I am more comfortable with this because you would not be changing the nature of what a Town Meeting is. This could likely be done as a bylaw change, in my opinion. That being said, there are additional considerations you should keep in mind such as: the logistics and costs of having to have two sessions of every Town Meeting, what procedures will be used to ensure that residents have notice of what the changes are and when they will be able to vote, what the quorum requirements for both sessions will be and how procedural motions like reconsideration or indefinitely postpone will be handled. You should also consider that amendments to what is stated in the warrant are limited to matters that are within the scope of the articles, and amendments to zoning articles are limited to the scope of what was stated in the notice of the Planning Board public hearing. Thus, even under a two session format, any amendments should be relatively minor and it should be made clear to the voters that the new format is not an opportunity to completely re-write the warrant.”

**As far as the Town of Wayland Method is concerned**, in meetings with Wayland officials we learned that, after much work, the Town of Wayland obtained Town Meeting approval in May, 2021 to authorize the Select Board to petition the State Legislature to grant approval to the Town of Wayland for remote electronic voting. They had the support of their State Representative and Congressman. Currently their petition is in the “3<sup>rd</sup> Reading” in Congress. Wayland expects a lengthy process for approval. Once approval is granted, Wayland will then work with OTI, their software developer, on details of what needs to be done to comply with the Legislature’s approval. The cost to develop the needed software by OTI, or Merida, the Westford selection, prevents either Wayland or Westford from developing the

software before State Legislature approval is obtained. There are hundreds of obstacles that would have to be addressed, none of which are insurmountable on their own. However, each city and town would have to attack each of the obstacles on their own, depending on which developer they use. Since the remote electronic participation is so complex, at this time it is recommended that Westford take a “wait and see” approach, and monitor Wayland’s progress for the foreseeable future.

**Followup actions:**

The Remote Participation group has done a lot of work on this project. This summary is intended to document what recommendations were made and the positives and negatives of each recommendation, so that future attempts will have a starting point.

In the meantime, it is recommended that we send a letter to the Select Board asking them to write a letter to the State Representatives and the Massachusetts Governor suggesting that the State of Massachusetts needs to solve the issue of minimal attendance at Town Meeting in most Massachusetts towns from the state point of view, instead of having every town working independently to solve the problem. The State needs to get the issue in front of the Massachusetts residents and solve this as an overall state problem, not an individual town problem.

TPB – 1/30/2023

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