

Questions on electronic voting

As a result of the extraordinary time required to poll (and re-poll) the voters who attended our Nov. 18 and 19 special Town Meeting, a number of suggestions have been offered to facilitate and shorten the time needed to conduct Wayland's business.

Some have suggested that we should abolish our (open) town meeting form of government, which may be well-

suited to a town of small farmers, they argue, but is archaic and inefficient by the standards of the much larger town that we are today.

What the proponents do not realize is that (1) Wayland's population today (13,754) is hardly larger than it was 40 years ago (13,520); (2) Wayland's voters in open town meeting assembled since 1638 have governed us so well that we have become the special community we are today; and (3) that the General Laws of the Commonwealth of Massachusetts require Wayland to govern itself by either an open or a representative form of town meeting government.

There are others who have suggested we should abandon our open town meeting form of government in favor of a representative form of town meeting, which would consist of representatives elected by districts all over Wayland. These representatives would represent us at town meeting and cast their votes concerning the town's budget, the capital budget, the zoning bylaws, the purchase and sale of land, and the bylaws that govern Wayland's employees as well as our own conduct, all so we don't have to leave home four or five evenings each year to do the town's business, debate and cast our own votes on the issues and put questions to our elected officials and those they have appointed to public office.

Most of those familiar with how representative town government functions agree that it does not work so well as advertised, because many "representatives" do not attend town meetings regularly and some districts find it difficult to find anyone willing to run for a "representative" seat at town meeting, thereby disenfranchising entire districts of voters in town.

The most persuasive and attractive of the suggestions I have heard is Alan Reiss' proposal, seconded by many others, that we could save a lot of time at town meeting by casting our votes electronically, thereby eliminating the need to "count" the vote, because the vote would register on a receiver at or near the moderator's podium for everyone to see.

Attractive as these proposals may sound, the town must first consider the following facts before we consider the adoption of any form of electronic voting:

1. The Nov. 18 and 19, 2009, special Town Meeting was exceptionally time consuming, because we had to count nearly a thousand

voters on seven occasions, even though I avoided an actual count of the 1,481 voters who voted in favor of borrowing \$71 million to build a new High School by subtracting the 95 voters opposed and those who were abstaining from the total attendance reported by the checkers at the door. By way of

contrast, we averaged fewer than 1.5 standing counted voters per town meeting during the last several years involving far fewer voters on average and requiring much less time.

2. We don't know whether such devices and receivers are currently available on the market and how they have worked elsewhere.

3. In order to provide each voter with the "small device" to register his or her vote, we would have to purchase, maintain and/or rent nearly 3,000 such devices and a "receiver" to record the electronic signals of the voters, because we had more than 2,313 voters attend our special Town Meeting on April 11, 2006.

4. If the "devices" are purchased by the town, they must be maintained in good working order, stored in a secure location, transported to town meeting in a secure vehicle, and provided to the checkers, who must be sure that no one else has access to them before each device is entrusted to a voter.

5. Instead of merely checking your name against the list of registered voters, the checkers would have to provide and record the number of each "device" handed to each voter as they enter the hall, lest someone obtain more than one such device. This will prove to be a time consuming process.

6. The checkers must then be sure to recover each "device" from the voters as they leave the hall, a hopeless task as throngs of voters leave the hall anxious to get home upon adjournment, some having left or lost their device before reaching the parking lot. How can the checkers be expected to recover all of the "devices"? And what of the devices that are not returned? They might be used to vote illegally at that or future town meetings.

7. And how does each voter know the electronic signal of his or

her device will actually reach the receiver and be registered? Even if his or her device is working properly, electronic interference from some sources, including the signals of some other devices in the hall, may disenfranchise each such voter without his or her knowledge or that of the moderator.

But even if all those problems could be solved, there are some fundamental problems with any proposal to use paper ballots or electronic devices to count the vote. Both methods offer voters a secret ballot, instead of asking each voter to stand and be counted as we have been obliged to do since 1638.

This is no small distinction. Motions to vote by secret ballot have rarely carried at town meeting; only twice during the last 30 years, if my memory is correct.

The reason for the failure of such motions may be found in an Opinion of the Justices of the Supreme Judicial Court dated 1918 (229 Mass. 601, 607), which noted that town meetings were created by the commonwealth to permit "all qualified inhabitants (to) meet, deliberate, act and vote in their natural and personal capacities in the exercise of their corporate powers."

In other words, every voter who attends Wayland's open town meetings, our legislature, is expected to participate and expected to stand and be counted in deciding how much our town officers can spend of the taxes we voted to impose on ourselves, how those expenditures shall be allocated, and how the use of our real estate shall be regulated as well as many other issues.

I realize that many voters would prefer to use a secret ballot procedure at town meeting, instead of subjecting themselves to the disapproval (or worse) of some of their friends and neighbors. Many others, of course, enjoy the feeling of camaraderie and approval they receive when they stand with friends and neighbors who agree with them on an issue. Would they care if we instituted electronic voting, which would deprive them of that pleasure?

As far as I am concerned, I would not object if the town voted to invest and maintain a secure system of electronic voting, if such a system were available, bearing in mind that it will take much longer

to enter and leave the Field House. But I believe any such proposal should first be considered by a committee of seven voters, composed, perhaps, of a selectman, a member of the Finance Committee, the moderator and four volunteers who know something about electronic communications, two appointed by the selectmen and two by the moderator. This committee would hold hearings and report its findings and recommendations to a future town meeting, which would ultimately make the political decision to adopt electronic voting in Wayland, or not.

Although many of us are incredibly busy, financially strapped and tired when we return home each day, I find it difficult to understand why so many Wayland residents are prepared to abandon their civic responsibility to participate in the government of our town by attending and casting their vote at our town meetings a few nights each year. Delegating their franchise to a representative may be compared to Esau's decision to sell his birthright for a bowl of red pottage.

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GUEST COLUMNIST

C. PETER R. GOSSELS

