

DATE: November 1, 2021
TIME: 9:38 AM

**Bylaw Review Committee Public Meeting
November 8, 2019 Noon
Town Clerk's Conference Room, Town Hall**

Members present: Charles Hamann, Robert McGaw, Mark Thurber, Robert Schafer, Ellen O'Brien Cushman

Meeting convened at 12:04 PM

The Committee reviewed amendments to the proposed amendment to Article 5 concerning electronic roll call voting at Town Meeting:

- Amendment 1 by John Robotham– approved by the Bylaw Review Committee as to form and placement (1 page)
- Amendment 2 by John Robotham– approved by the Bylaw Review Committee as to form and placement (1 page)
- Amendment by Jill Clark– approved by the Bylaw Review Committee as to form and placement (1 page)
- Amendment by Mary Bradley and Travis Franck - approved by the Bylaw Review Committee as to form and placement (2 pages)

AMENDMENT #1 BY JOHN ROBOTHAM, PRECINCT 2

I move that Article 5 on the Warrant be amended by deleting the entire proposed Subsection § **30-115F(3)**, and replace it with the following:

- “(3) When Electronic Roll Call Votes are Required. An electronic roll call vote shall be taken only upon a motion supported by at least 75 Town Meeting Members, except that
- (a) no roll call vote shall be taken on articles setting the salaries or compensation of Town employees or elected Town officials, and
 - (b) no roll call vote shall be taken on privileged, incidental, or subsidiary motions.”

Vote: Bylaw Review Committee approved unanimously the motion to amend as to form and placement

AMENDMENT #2, JOHN ROBOTHAM, PRECINCT 2

I move that Article 5 on the Warrant be amended by deleting the entire first paragraph of proposed Subsection § 30-115F(3).

Vote: Bylaw Review Committee approved unanimously the motion to amend as to form and placement

Amendment to ARTICLE 5 By Substitute Motion **Proposed by Mary Bradley & Travis Franck, Town Meeting Members, Precinct 5**

The committee members had much discussion about the intent of the amendment, as originally presented

In the form submitted, the Committee unanimously DISAPPROVED the motion.

Specifically, there were significant problems with the logic that made parts of it impossible. A couple of examples are in §30-115F (2) the addition of “if a Town Meeting Member’s voice vote is improperly counted, he or she may immediately rise to make a correction and the Moderator will correct the tally”. The logic does not work because voice votes do not get counted, there is no tally. Further in §30-115F (3), the items you are adding and deleting did not ultimately yield to the “so that it reads:” sections. There were other such examples and the Committee is not in a position to completely rewrite the motion.

The Bylaw Review Committee, as mentioned above, disapproved the submitted motion to amend as to form and placement.

However, appreciating the effort that Mary and Travis took to try to draft an amendment, the Bylaw Review Committee ultimately decided to review only the final version of your proposed text to see if it could be approved for form and placement. That document text was much easier to follow.

The Committee approves the final text as submitted ONLY contingent on Mary’s and Travis’ acceptance of our revision of “30-115F(5) as shown below; in addition we require that the motion to amend will refer to this text as a substitute motion rather than a paragraph by paragraph delete/add sequence that the Town Meeting Members will not track to that provided..

- Ellen will write to Mary and Travis - If they agree with the proposed revisions, they must indicate that in writing by return email to Ellen so it can be distributed to Town Meeting

Members as reviewed and approved by the Bylaw Review Committee. It appeared to the Committee that the intent was to provide an opportunity for a Town Meeting Member to change his/her vote. This must happen before the Moderator has declared the count and the result of the vote. That is the premise of our revision, below.

- If they do not agree, and wish to continue with their original motion or complete (5) text, see below, the Bylaw Review Committee will report and distribute its disapproval of the entire amendment to Town Meeting Members

Required changes to obtain approval of the Bylaw Review Committee

Required New text of §115F(3):

- a. that were not decided unanimously by voice vote; and
- b. that were not approved for a non-roll call vote; and
- c. Are not privileged, incidental.....

Required New text of §115F(5) :

- (5) Prior to declaration of the vote result by the Moderator, if a Town Meeting Member wishes to change her/his electronic roll call vote, she/he shall immediately rise to request a change to her/his electronic roll call vote. As soon as practicable after a recorded vote is taken electronically pursuant to paragraph 3 above, the results of that vote will be posted on the Town website and will remain so posted for a period of at least three years.

New motion as a substitution of the entire text instead of the additions and deletions that didn't work in your submission:

MOVED: That the Town vote to amend Chapter 30, Sections 115 (F)and (H) of the General Bylaws as set forth in the document, "Article 5: Amend General Bylaw: Town Meeting, Chapter 30, Procedural Rules: Text After Substitute Motion By Town Meeting Members Mary Bradley and Travis Franck, Precinct 5 that has been distributed to all Town Meeting Members.

Resultant Text after the Revised Bradley/Franck Amendment

F. Counting and Recording of Votes:

- (1) As used in this section, the words "electronic" and "electronically," when used in reference to voting or the counting of votes at Town Meeting, shall refer to the use of computer software to record votes transmitted from wireless handheld mobile devices distributed and assigned to each Town Meeting Member in attendance. The Moderator shall review proper use of the mobile devices and direct a test of the electronic system at the beginning of each Town Meeting session.
- (2) Except as otherwise provided in this section or by any other applicable law, all votes shall be taken in the first instance by a "YES" and "NO" voice vote.

(3) Electronic Roll Call Votes Required.

Any motions and amendments to motions

- a. that were not decided unanimously by voice vote; and
- b. that were not approved for a non-roll call vote; and
- c. are not privileged, incidental, or subsidiary except for:
 - i motions to postpone indefinitely that result in final action on the main motion; and
 - ii motions to amend (or substitute) that, in the sole judgment of the Moderator, would substantially alter the purpose of the main motion.

shall be taken by electronic roll call vote.

- (4) If an electronic roll call vote is taken as provided in this subsection, the Town Clerk shall cause the operator of the electronic voting system to preserve the electronic file recording the "YES," "NO," and "ABSTAIN" votes of each individual Town Meeting Member who shall have voted, and such record shall be made available to the public at the office of the Town Clerk and on the Town's web page within two business days of the vote, and shall be printed in the Town Annual Report. The individual roll call votes of Town Meeting Members shall be displayed contemporaneously to the Meeting.
- (5) Prior to declaration of the vote result by the Moderator, if a Town Meeting Member wishes to change her/his electronic roll call vote, she/he shall immediately rise to request a change to her/his electronic roll call vote. As soon as practicable after a recorded vote is taken electronically pursuant to Paragraph F(3), the results of that vote will be posted on the Town website and will remain so posted for a period of at least three years.
- (6) In the event that an electronic voting system is not available, then:
 - (a) in all cases where an electronic vote would otherwise be required under these Bylaws, the Moderator shall direct the "YES" and "NO" voters to stand and be counted by the tellers; and

- (b) in all cases where an electronic roll call vote is required under these Bylaws, the Town Clerk shall call the roll, record the vote, "YES", "NO," or "ABSTAIN" of each Town Meeting Member and make such record available as provided in Paragraph F(5).

(7) Electronic Non Roll Call Votes Required:

Provided that at the beginning of each session of Town Meeting, at least two-thirds of the Town Meeting Members present and voting have approved a motion to allow electronic counting of non-roll call votes for that session of Town Meeting, electronic non roll call votes shall be taken only on a motion made prior to the voice vote and supported by at least 50 Town Meeting Members.

AND

(2) By inserting the following new sentence into § 30-115H between the first and second sentences of that section:

If the vote to be reconsidered was taken by roll call vote, a motion to reconsider will not be in order unless it is made by a Town Meeting Member who had voted with the prevailing side.

Vote: Bylaw Review Committee approved unanimously as to form and placement, the Revised motion to amend by substitute motion drafted with the Bylaw Review Committee.

ORIGINAL MOTION TO AMEND BY BRADLEY/FRANCK AMENDMENT, ARTICLE 5

Moved, under §30-115F (2)

Delete:

If the Moderator is in doubt as to the vote, or if any Town Meeting Member immediately doubts the vote, the Moderator shall count the vote electronically., provided that at the beginning of each session of Town Meeting, at least two-thirds of the Town Meeting Members

present and voting have approved a motion to allow electronic counting of non-roll call votes for that session of Town Meeting.

SO THAT IT READS:

“Except as otherwise provided in this section or by any other applicable law, all votes shall be taken in the first instance by a ~~"YES" and "NO" voice electronic roll~~ vote.”

§30-115F (3)

Delete

main motion that requires at least a two-thirds vote to be adopted by the Meeting
in the first instance

Any electronic vote on a main motion or amendment to a main motion that passes or fails by 10 votes or fewer shall be retaken by electronic roll call vote.

In all other cases, an electronic roll call vote shall be taken only on a motion supported by at least 50 Town Meeting Members.

Add:

motions and amendments to motions

- d. which were not decided unanimously by voice vote; and
- e. which were not approved for a non roll call vote; and

SO THAT IT READS:

“Electronic Roll Call Votes Required.

Any motions and amendments to motions

- f. which were not decided unanimously by voice vote; and
- g. which were not approved for a non roll call vote; and
- h. are not privileged, incidental, or subsidiary except for:
 - iii motions to postpone indefinitely that result in final action on the main motion; and
 - iv motions to amend (or substitute) that, in the sole judgment of the Moderator, would substantially alter the purpose of the main motion.

shall be taken by electronic roll call vote.”

§30-115F (4)

DELETE:

The Town Clerk shall cause the operator of the electronic voting system not to generate or preserve an electronic file recording the individual vote results unless the Moderator has duly called for an electronic roll call vote.

SO THAT IT READS:

“If an electronic roll call vote is taken as provided in this Subsection, the Town Clerk shall cause the operator of the electronic voting system to preserve the electronic file recording the "YES," "NO," and “ABSTAIN” votes of each individual Town Meeting Member who shall have voted, and such record shall be made available to the public at the office of the Town Clerk and on the Town’s web page within two business days of the vote, and shall be printed in the Town Annual Report. The individual roll call votes of Town Meeting Members shall be displayed contemporaneously to the Meeting.”

§30-115F (5)

ADD:

If a Town Meeting Member’s roll call vote was improperly recorded, he or she may immediately rise to make a correction and the Moderator will correct the tally. Town Meeting Members may at any time prior to the dissolution of a Town Meeting correct their votes by contacting the Town Clerk and such changes will be made in the record of the meeting so long as the Moderator has announced the change in the vote tally. As soon as practicable after a recorded vote is taken electronically pursuant to paragraph 3 above, the results of that vote will be posted on the Town website and will remain so posted for a period of at least three years.

SO THAT IT READS:

“If a Town Meeting Member’s roll call vote was improperly recorded, he or she may immediately rise to make a correction and the Moderator will correct the tally. Town Meeting Members may at any time prior to the dissolution of a Town Meeting correct their votes by contacting the Town Clerk and such changes will be made in the record of the meeting so long as the Moderator has announced the change in the vote tally. As soon as practicable after a recorded vote is taken electronically pursuant to paragraph 3 above, the results of that vote will be posted on the Town website and will remain so posted for a period of at least three years.”

§30-115F (7)

Add:

“Electronic Non Roll Call Votes Required:

Provided that at the beginning of each session of Town Meeting, at least two-thirds of the Town Meeting Members present and voting have approved a motion to allow electronic counting of non-roll call votes for that session of Town Meeting, electronic non roll call votes shall be taken only on a motion made prior to the voice vote and supported by at least 50 Town Meeting Members.”

So that it reads:

“Electronic Non Roll Call Votes Required:

Provided that at the beginning of each session of Town Meeting, at least two-thirds of the Town Meeting Members present and voting have approved a motion to allow electronic counting of non roll call votes for that session of Town Meeting, electronic non roll call votes shall be taken only on a motion made prior to the voice vote and supported by at least 50 Town Meeting Members.”

Vote: Bylaw Review Committee disapproved unanimously the original motion to amend as to form and placement, noting that the substitute motion drafted and offered by the Bylaw Review Committee is the only version we accept at this time.

Amendment to Article 5, to the substitute motion submitted by the Bylaw Review Committee
Submitted by Jill Clark, Town Meeting Member, Precinct 7

MOVED: To amend the substitute motion by the Bylaw Review Committee

Remove §30-115F (2) and replace with:

“Except as otherwise provided in this section or by any other applicable law, all votes shall be taken in the first instance by electronic roll call vote.”

Remove §30-115F (3) and replace with:

Electronic Roll Call Votes Not Required:

Electronic roll call votes shall not be required on motions that are privileged, subsidiary, incidental, or non-binding; in these cases the vote shall be taken in the first instance by a "YES" and "NO" voice vote. If the Moderator is in doubt as to the vote, or if any Town Meeting Member immediately doubts the vote, the Moderator shall count the vote electronically, provided that at the beginning of each session of Town Meeting, at least two-thirds of the Town Meeting

Members present and voting have approved a motion to allow electronic counting of non-roll call votes for that session of Town Meeting.

Edit §30-115F (4) as follows:

Delete the third sentence: ("The Town Clerk shall cause the operator of the electronic voting system not to generate or preserve an electronic file recording the individual vote results unless the Moderator has duly called for an electronic roll call vote.")

Vote: Bylaw Review Committee approved unanimously the motion to amend as to form and placement

FINAL TEXT AFTER CLARK AMENDMENT TO SUBSTITUTE MOTION
BY THE BYLAW REVIEW COMMITTEE

MOVED:

(1) To delete said § 30-115F and replacing it in its entirety with the following:

F. Counting and Recording of Votes:

- (1) As used in this section, the words "electronic" and "electronically," when used in reference to voting or the counting of votes at Town Meeting, shall refer to the use of computer software to record votes transmitted from wireless handheld mobile devices distributed and assigned to each Town Meeting Member in attendance. The Moderator shall review proper use of the mobile devices and direct a test of the electronic system at the beginning of each Town Meeting session.
- (2) Except as otherwise provided in this section or by any other applicable law, all votes shall be taken in the first instance by electronic roll call vote.

(3) Electronic Roll Call Votes Not Required:

Electronic roll call votes shall not be required on motions that are privileged, subsidiary, incidental, or non-binding; in these cases the vote shall be taken in the first instance by a "YES" and "NO" voice vote. If the Moderator is in doubt as to the vote, or if any Town Meeting Member immediately doubts the vote, the Moderator shall count the vote electronically, provided that at the beginning of each session of Town Meeting, at least two-thirds of the Town Meeting Members present and voting have approved a motion to allow electronic counting of non-roll call votes for that session of Town Meeting.

(4) If an electronic roll call vote is taken as provided in this subsection, the Town Clerk shall

cause the operator of the electronic voting system to preserve the electronic file recording the "YES," "NO," and "ABSTAIN" votes of each individual Town Meeting Member who shall have voted, and such record shall be made available to the public at the office of the Town Clerk and on the Town's web page within two business days of the vote, and shall be printed in the Town Annual Report. The individual roll call votes of Town Meeting Members shall be displayed contemporaneously to the Meeting.

- (5) In the event that an electronic voting system is not available, then:
- (a) in all cases where an electronic vote would otherwise be required under these Bylaws, the Moderator shall direct the "YES" and "NO" voters to stand and be counted by the tellers; and
 - (b) in all cases where an electronic roll call vote is required under these Bylaws, the Town Clerk shall call the roll, record the vote, "YES", "NO," or "ABSTAIN" of each Town Meeting Member and make such record available as provided in Paragraph F(4).

AND

- (2) By inserting the following new sentence into § 30-115H between the first and second sentences of that section:

If the vote to be reconsidered was taken by roll call vote, a motion to reconsider will not be in order unless it is made by a Town Meeting Member who had voted with the prevailing side.

Respectfully Submitted,
Ellen O'Briein Cushman