

City of Salem, Massachusetts



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City Ordinance Sections 2-2028 through 2-2033.”**

The Board of Registrars of Voters met in the Council Chamber on Thursday, October 19, 2023, at 6 P.M. for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on October 17, 2023, at 10:36 A.M.

(This meeting is being recorded)

BOARD OF REGISTRARS OF VOTERS: Chair Donald Bates, Charles Barton (Member), Alexandra Pineros-Shields (Member), Ilene IS, Ex-Officio Member of the Board.

CITY COUNCIL ATTENDANCE: C. Cohen, C. Morsillo, C. Varela

ADDITIONAL ATTENDEE: Lauren Goldberg, Legal representative from KP Law, P.C.

SUBJECT(S)

Discussion of Rank Choice Voting (RCV) relative to legal duties, responsibilities, and functions of Board of Registrars of Voters (BRV); Election Commission (EC); New Voting Equipment; Election, Nomination, & terms for chairperson of Board of Registrars of Voters.

Chair Donald Bates reads the agenda, and recognizes board members Charles Barton and Alexandra Pineros-Shields, Councillors Cohen, Morsillo, Varela. Also recognizes Attorney Lauren Goldberg of K.P. Law, P.C., who serves as legal counsel. Lauren will outline the duties and responsibilities of the Board of Registrars of Voters relative to Rank Choice Voting and Election Commission.

City Clerk IS: Issues need feedback/ advice. Rank Choice Voting: Board wants to find out duties and responsibilities if it passes via Home Rule Petition (HRP). Lauren, please give us your expertise.

Lauren Goldberg: Thank you. Because this is of a legislative nature, the role of board won't be known until legislature is drafted. Roll wouldn't change even with RCV.

Ilene IS: Who drafts legislature/ ordinance?

LG: Need committee to study and make procedural decisions. Tabulators, which cast-vote records to use, etc. Policy issues must be addressed. Easthampton just adopted RCV. They are a good resource.

IS: I spoke to Barbara in Easthampton. I'll ask who wrote ordinance. Who should be on committee?

LG: 1 member of the BRV, city clerk, 1 Councillor, Solicitor. Finalized by legal counsel.

IS: Any questions?

Donald Bates: Need committee? What is first step?

LG: Yes. Start with committee because of policy decisions to be made. Voter outreach made by committee.

IS: What if council prefers to go to ballot, yes or no on ballot?

LG: Depends on process whether by council approval or petition. "Voter Acceptance Provision". Voters need the chance to weigh in on RCV.

IS: After State legislature?

LG: Yes. Act "upon approval of voters". General court would want to see if it goes to voters.

IS: Easthampton did have voter input.

Alexandra Pineros-Shields: What is the process? If Council says yes, does it go to Home Rule Petition (HRP) or HRP first?

LG: HRP after Council approves.

IS: Lauren, can you provide 5 ways of counting votes via email?

LG: I will email 5 ways.

Charles Barton: 5 Methods. Anything which prevents more methods from being created?

LG: 5 methods have been developed and tested. 3 evolved from initial "Gregory Method". Which RCV method to best reflect the will of the people. May be practical changes over time as learn.

IS: Thank you. People looking into RCV. In 2020, Salem passed, not State-level. Single-winner driving this. Best to start with single-winner?

LG: I don't know (I don't like to respond as such!). Value of RCV shows itself in single-winner. Next person with most support is the winner.

APS: Please restate.

LG: Through you, Madam Clerk. Policy decision is method. How to implement is up to you.

APS: Better reflects the will of the people?

LG: Yes.

IS: Would this remove the Preliminary from the city?

LG: Yes. Special Act to accomplish, to remove preliminary from Charter.

IS: Thank you. I have questions. Does voter education and training fall on chief election official? Could you recommend how to implement?

LG: There are videos from communities who've used RCV successfully. Screenings for voters; reach out to local voting organizations; mock elections.

APS: What are the legal liabilities of this process?

LG: It is much harder to do a recount. Machines, ballots must be approved by the state. Takes a while to learn a new thing. People may argue that there is not sufficient education.

IS: Some feel "disenfranchised" and will ask "Where's my vote?"

LG: Understood. That is part of education. City Council need to get the word out; also, the mayor. Work together to reach constituency.

Charles Barton: There is legal risk/ liability. Needs to be thoroughly vetted. This is a more complicated program; more mistakes may happen. Have there been any lawsuits?

LG: Not aware of any lawsuits. Cambridge also uses RCV successfully every year.

CB: Successful municipal elections?

LG: Elect biennially via RCV.

CB: Lawsuits in Cambridge?

LG: Not aware of any.

DB: Should we decide what to do now? Comments from the Board?

APS: Council votes, then HRP, the Commission is formed?

LG: Through Madam City Clerk: Committee is the first step before communication made to Council. Committee to gather information and make it available.

DB: Understood. I'd like to make a motion to establish a committee. We need public input. Let's open discussion to Councillors.

Patricia Morsillo: For clarification: Commission comes from Board of Registrars? Who initiates?

LG: Need to look at Charter. May be Mayor who appoints council.

PM: As to recounts: Are there any communities that have had recounts? What does that entail?

LG: I'm not aware of any, but certainly they are out there.

PM: Thank you.

IS: Lauren, RCV causes delay in knowing winners, but what happens on City election timeline? Is there a deadline to certify?

LG: I haven't had personal experience but can take Cambridge a couple of days.

CB: Must get information and calculate results.

LG: Yes.

CB: Infrastructure?

DB: Committee, Council to be involved as well as Mayor?

APS: Initiated by Council?

IS: Send to Council committee on Government Services.

DB: I agree Government Services should tell us how to proceed.

CB: I agree. Start with Council, Mayor. Also, 1-2 Board of Registrar members to give our point of view.

DB: Motion to recommend to Government Services to consider establishing a committee.

APS: Agree.

CB: Second. Unanimous.

DB: Let's discuss creation of Election Commission.

LG: Happy to answer questions.

IS: To create Election Commission, what is the role of the Board of Registrars and Elections staff?

LG: Charter amend or special act which would address what happens to Board. As for staff, need staff to run elections, not full-time for all commissioners. Some commissions have Election Manager.

DB: Can you have Commissioners and Board of Registrars?

LG: Can be accomplished with a special act.

IS: What is the difference between a board and a commission?

LG: The function is similar, except you have a full-time election commissioner/ manager. No significant difference.

IS: Can you have an election commission without having the city clerk as a part of the election commission?

LG: Correct. Must have a special act. To have city clerk as part of the election commission.

IS: How many election commissions are there in Massachusetts? City Clerk not involved. 2020 changed the process and it takes immense amount of time away from council.

LG: Special act can be written without city clerk as a member of election commission.

APS: What are the benefits and costs of an election commission?

LG: No huge statutory difference. Policy question that needs to be answered. New position, cost/ salary.

APS: Cities make this choice for a reason. Do you know why?

LG: It is automatic in most cities. Cities typically have an election commission. Value in having more focused election manager where it is their sole responsibility.

APS: Thank you.

IS: Revere has had an election commission since 1952. Many have been established for a long time.

LG: Everett is recent.

DB: Election commission would run elections; city clerk out of elections?

LG: Commission would not run elections. There would be a single commissioner/ manager, given the complexity of the laws. Not a group effort.

DB: Need expertise of manager.

LG: You would have one commissioner be full-time employee.

IS: I have 3 full-time employees: One is the Assistant City Clerk and two Assistant Registrars. Clear to make them stay.

LG: Must stipulate that all records and staff will be part of the new department. Because you need a special act to amend the Charter, you can shape it to what you want. HRP allows flexibility to create what is right for the city.

IS: If RCV passes, you can't "Undo" for four years?

LG: When you accept the statute, there are three years of acceptance. Must say when can change back! Special act could fix it.

CB: Regarding election commission: Person must have competency. Hired or appointed?

LG: Person would be appointed. Person should have experience. Reality is people learn on the job all the time.

IS: Appointed by the election commission?

LG: Can write the act to suit hiring/ appointing, such as "Appointed by the mayor."

Councillor Cohen: The presumption is that current staff could fill positions and be the commission. Adopt to create independent electoral process. Take person who currently runs elections and make them manager.

Councillor Varela: Thank you for mentioning Revere. Why election commission benefits is for transparency to take out of city clerk's office. Clerk works for Council.

CB: Either completely autonomous or answers to someone. Both bad. Transparency and not answering to anyone? Have to make separate. Comes down to trust. I trust our city clerk; she's excellent. I've known her for many years. Only moving from one person to another. There are 11 councillors vs. 1 or 3.

APS: Who is Election Manager? Line of authority, who do they report to?

LG: Depends on form of city government and Statutory duties.

APS: Election Commission can decide who manager, but is election commission elected or appointed?

LG: Appointed.

APS: Responding to elected position.

LG: Election commission must do things under law.

DB: Good info. Who will discuss and develop?

IS: I care about the staff and want current staff to advance. I hope I didn't give the wrong impression. They're good. I had one meeting with the mayor, Human Resources on the election commission. I am open to it, comes down to salary and benefits.

PM: Personnel and process.

DB: Another meeting?

PM: Clerk to get answers.

IS: HR to check on compensation

DB: Ongoing. Will continue?

PM: Need to formalize. Community to formalize.

DB: Council?

PM Council or through mayor's office.

IS: IN addition, RCV won't happen overnight. I still don't understand it. Time frame may be similar.

APS: to LG: DO you have experience with any cities who've done this concurrently?

LG: No. Only other city with RCV besides Cambridge is Easthampton and it is very new.

APS: Thank you. A lot to consider doing both concurrently.

CB: Any communities that have gone to election commission then chosen to go back?

LG: Everett went to commission without city clerk then went back to election commission with city clerk. Statutorily, roles of election commission and board of registrars similar.

IS: I can reach out to Everett for research.

CB: Is the election commission manager the person who determines equipment?

LG: In a city, it doesn't matter who makes the decision. Equipment must be purchased.

IS: They inherit all the equipment upon switch?

LG: Yes.

DB: New voting equipment.

IS: Thank you, Lauren Goldberg.

DB: New voting equipment, Madam City Clerk?

IS: We've had demonstrations from two companies: Election Systems & Software and LHS Associates, Inc. Needed Request for Proposal. Myself, Rochelle and Maureen came up with criteria. Rochelle and I presented spreadsheet with criteria to Anthony (Delaney; Chief Procurement Officer). Worked out ES&S had more highly-advantageous than LHS. 8 points to ES&S; 5 points

to LHS. Then we opened proposals to see costs. LHS 20% lower in cost. Anthony just reached out to LHS to say they won. Both could handle RCV software if needed. Next steps: so many months/ days to present to council. Most likely still be using current equipment in March. September, 2024, to use new equipment. Multiple trainings of Rochelle and myself, staff, and Poll Workers. Any questions?

DB: Questions?

APS: Thank you for all that work!

DB: Thank you, City Clerk.

IS: Team effort.

DB: Nomination of Chair of Board. Rotate chair.

IS: Council nominates and elects their president every year. Terms and how it is done is up to you.

CB: How long has DB been chair?

DB: Just over a year. We could reorganize each year, rotate every year. I nominate APS to be chairperson.

CB: I second. Do you want it?

APS: Happy to serve.

IS: Want it in writing when it happens and appointment times?

CB: What makes most sense with paperwork? Now or at the beginning of the year?

IS: Will of the body.

DB: First meeting of the new year.

APS: No preference. Whatever makes sense.

DB: April 1st, new chairperson and next April discuss again?

IS: Maybe wait until after elections?

APS: Is there another reason to wait until after November 1st?

IS: Sorry, I thought you said 2024. Suggestion: How about now since we are all here? Effective November 1st? Motion?

DB: Withdraw last motion. Nominate APS as chair to take effect.as of November 1.

CB: Second the motion.

IS: Unanimous that APS to be chair as of November 1, 2023.

DB: Motion to adjourn.

CB: Second the motion.

On the motion of Chair Bates, the meeting adjourned at 7:39P.M.

(Chairperson)