



CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4280

FAX (617) 349-4287

Timothy J. Toomey, Jr.
City Councillor

August 14, 1997

Mayor Sheila Doyle Russell
City Hall
Cambridge, MA 02139

RECEIVED BY
OFFICE OF CITY CLERK
97 AUG 14 PM 12: 25
CAMBRIDGE MA.

Dear Mayor Russell:

On August 4, 1997, the City Manager submitted a supplemental agenda item concerning the "...approval of the City's use of computerized voting equipment in the next local election." The Manager requested a vote at that night's City Council Meeting. I exercised my "charter right" to defer consideration of this request. A special meeting of the City Council has been called for August 18, 1997.

In a democracy, it is every citizen's right to demand and expect fair and accurate elections. It would be remiss of us as elected officials to approve such a new and unproven voting system without complete knowledge of how it will operate, the manner of implementation, and the understanding how it differs from what currently exists. That the design and testing of this system has been cloaked in secrecy the past few months is beyond comprehension. That the City Manager would request approval at a very busy summer meeting, without the Election Commissioners and staff available to answer questions, is unconscionable.

Currently, I am not prepared to vote for the approval of implementing this new system. My position is not that of an obstructionist looking to block progress. While I look upon with nostalgia the long count at the Longfellow School, I view the computerization of the PR count as something whose time has arrived. In fact, when we were asked to select a new system, I opted for the more technologically advanced "ATM" type system since I did not believe we should spend such a large amount of money on older technology. In addition, I believed the "ATM" type system would tend to alleviate invalid ballots rather than increase them which I believe the "Marksense" system has the strong potential to do.

The areas that particularly concern me is ballot design, education and testing to ensure that votes are properly counted.

Ballot Design

Proper ballot design is critical to the success of this system. It is the interface between the voter and the system. In its December 4, 1996 report to the City Council, the Election Commission stated, "We will also engage in *extensive* (emphasis added) consultation with the City Council, focus groups, and community organizations" concerning ballot design. The Commission also planned focus groups and City Council review of ballot design in May. As far as I know, there has been no consultation on ballot design. The sample ballot that I saw during the April test is totally unacceptable. If there is another ballot design, I have not seen it. If the ballot has been designed without input, the Election Commission needs to answer why.

Education

The December 4, 1996 report from the Election Commission states, "The schedule ... has been established to permit ample time and opportunity to prepare for the municipal election in the following areas ... voter education and outreach." In the same report the Election Commission concludes by stating that it "... will be able to devote the seven months between April when system development will be completed and the November election to refinements to the system *and education to the voter on PR and voting with the new system* (emphasis added)". The Election Commission also anticipated doing voter education in July including press releases, cable shows, feature articles and the city's web page. Only after being required to do so by the Office of the Secretary of the Commonwealth has a plan been developed and submitted for approval on August 11, 1997. During this time, voter education has been nil. In fact, the proposed outreach plan anticipates *beginning* to contact community organizations after Labor Day (only 8 weeks before Election Day) to see if they would be interested in sponsoring demonstrations. Nothing has been set up yet, with no guarantee that anything will. The rest of the plan is also undetermined at this time ("contacts at the Boston Globe, Cambridge Chronicle, and Cambridge Tab will be *encouraged* to write articles on the new system"; "cooperation is *anticipated* with Channel 37"; Cambridge Inside Out... *will be asked* to focus a program ... with emphasis on the ballot" [emphasis added]). All of these proposals should have been confirmed by this time with dates firmly established. **This plan is much too little too very late!**

Testing

The December 4, 1996 report provided for a test involving 5,000 ballots to be counted by computer and manually and cross-referenced. Later this was to become two single-blind test of 1,000 ballots, and a double-blind test of 3,000 ballots (note that George Goverman's recommendation of a fourth test of 22,000 was ignored). I attended part of the test held in April, and in fact participated in the test by "voting" (hence my first hand knowledge of the problem with the design of the ballot that was used). I was told that the results of the test would be made known to the Council. To my knowledge this was never done. We do not know what problems were discovered and how they were resolved. In addition, James Lindsay, President of Jerel Software (the designers of PRMaster) stated in his April 12, 1997 letter "The City's three tests, as described to me, are good. But just that amount of testing is not nearly enough. Not by a long shot." What has been the response to this important criticism?

I also have the following technical or procedural questions for which I would like a response:

1. The December 4, 1997 report states "The software will *exactly* (emphasis added) reproduce the 'Cincinnati Rules'". Is this statement still correct. If not, what changes are there and what effect do they have? Are there any changes in the software with respect to provisions of M.G.L. 54A?
2. How will the required "random precinct draw" be done?
3. How will so-called "challenge" and "vacancy" recounts be conducted?
4. What procedures have been established for the physical security of the "memory cards", computers and data disks?
5. What "audit trail" is produced to ensure voter confidence?
6. The Secretary of the Commonwealth's approval is for a "field test" at the November 4, 1997 election: What is meant by a "field test"? If the "field test" fails, what happens to election results? Is there a possibility that a candidate can sue the City if the "field test" fails?

While I do have many concerns about the use of the "Marksense" system in this municipal election, I am prepared to be shown that these concerns have been addressed or can be overcome. I strongly recommend that at the City Council meeting on August 18 the Election Commission set up a polling booth, have sample ballots made up (using, for example, the names of former Presidents of the United States, in place of all the candidates for this year's Council election, allow the Councillors, and everyone else attending the meeting to "vote", and then have the ballots counted by computer and manually. It would allow the Councillors and the public a better understanding as to how

the system will work. I would also strongly recommend that on a subsequent day, before the Council votes on the motion to approve the system, that a similar test "voting" be done at the Senior Center in Central Square to give the Councillors a chance to see the public use the system and obtain feedback from them. This would still allow us ample time to meet again to vote on approval.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'T. Toomey, Jr.', written in a cursive style.

Timothy J. Toomey, Jr.
City Councillor

cc: City Manager Robert Healy
Cambridge Election Commission
Candidates for City Council and School Committee

S-496(E)

Communication was received from
Councillor Toomey regarding the
Accuvote ES-2000 voting system.

In City Council August 18, 1997

Placed on
File