

Town Meeting Study Committee

White Papers

**Proposed Recommendations
Related to Concord Town Meeting**

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December 7, 1995

MEMORANDUM

TO: Concord Town Meeting Study Committee
FROM: John H. Clymer
DATE: December 4, 1995
RE: Thoughts on Changes in Town Meeting

As many of you know, I started the process of our deliberations as a strong believer in the open town meeting form of town government, which I still am.

I also began the process believing that there was nothing wrong with requiring town citizens to make the necessary effort to attend the open town meeting if they wanted to vote on the issues presented there. I have concluded that the threshold of effort required is too high, given current-day realities and the demographics of the town.

I started the deliberation process believing that legislation by referenda, especially on town government issues, does not represent the best form of government, even though the democracy inherent in it may be the "purest." Nothing that has happened so far in our deliberations has changed my mind on that point.

1. Accessibility of the Town Meeting

I would like to make town meeting easier for people to attend and suggest that we give serious consideration to each of the following:

- a. Hold a Town Meeting in the spring (or late winter) for budget items and another meeting in the fall to consider non-budget items.
- b. Do not meet on two consecutive nights.
- c. Attempt to schedule items in advance and at the beginning of each session of the meeting, so that those who wish to debate and vote at the meeting on a particular issue can plan their schedules accordingly.
- d. Explore proxy voting, allowing a member of each household to give another member his or her proxy, so that someone who planned to attend the meeting but, through unavoidable conflict (however the voter defines that), could not, could have another family member vote his or her proxy.

2. Conduct of the Town Meeting

Apart from the foregoing, I would not tinker much, at least initially, with the conduct of the meeting itself, including making it easier to vote by secret ballot (which I view as a rather minor issue).

I would, however, attempt to increase the perceived fairness of the discussion by allowing equal time for those speaking in favor of, and those opposed to, a particular motion.

3. Voting at the Polls

I have become persuaded that continuing to conduct government business in a way which, as a practical matter and for whatever reasons, relies upon an increasingly small percentage of the electorate to make decisions on a \$30-plus million dollar budget and on by-law and other issues which affect many in non-financial ways will, over time, erode confidence in town government. Therefore, there should be an opportunity to bring the most important issues to the electorate as a whole for voting.

Because none of us knows now what "the most important issues" are, I tend to favor Jerry's suggestion of letting the vote at a meeting determine what issues are important. I would put a gloss on it by stating that whenever the vote on an issue is relatively close (something we would have to discuss), a majority of those who are on the losing side could vote to move that question to a ballot for a final decision. The ballot at the polls would, if possible, be "within the Town Meeting," to do as little violence as possible to the current town government structure.

4. Voter Education

I remain concerned about the kind and quality of information which people receive about local affairs. I think the Journal is doing a much better job recently, but these things tend to be cyclical, and I (and I assume others) will frequently miss an issue or issues of the Journal if I get particularly busy and my wife takes out the papers before my schedule loosens up.

In order to try to raise the accessibility of information about town meeting generally and the subjects that it will consider, I think we need to recommend a much more interactive public meeting and hearing process prior to town meeting, including TV coverage, less formal hearings, and much more audience participation. As I mentioned at our last meeting, this is going to represent a significant change of culture for our town committees, because it is going to redefine a lot of their "work" as educating the general public, rather than debating within the committee and with other committees the substantive work of the town. It may well be that less gets "done" in a particular time period than in the past, but if the process increases

confidence in local government, slower progress will be well worth it. In fact, history has shown us that most of the difficult issues with which the town has had to grapple are not time-sensitive; for example, the closing of the landfill, the construction of a new electric light plant and DPW facility out on Route 2A, the vote to use a portion of the Ripley School property for subsidized housing.

5. The Change Process

I suggest moving slowly on a number of different fronts, rather than radically on any one. A committee like ours which was a standing committee with the charge of reviewing the manner in which the town's business is conducted by its volunteer committees and by town meeting would help. It could continuously recommend changes to those processes designed to increase voter education and participation in the business of the town. If what we have recommended is carried out and doesn't do the job, other things can be tried. Town government should no more be static and unchanging than should any other service institution. Our elected officials would benefit from the assistance of a group whose job is to watch the forest grow, not the trees.

16716-1

**A Proposal To Improve
The Concord Town Meeting**

**Dekkers L. Davidson
Member, Town Meeting Study Committee
Concord, Massachusetts**

December 4, 1995

Contents

I.	Summary	1
II.	Goals and Guiding Principles	3
III.	The Need for Change	5
IV.	A Proposed Solution	8
V.	Benefits and Costs	11
	Exhibits	13

I. Summary

While the open town meeting has functioned as the primary body of local governance in Concord since its founding, a number of modifications and changes have been made over the course of time to deal with issues and circumstances that have arisen since the town was first settled. The relatively recent provision allowing all eligible adults the right to participate and vote at town meeting along with the establishment of the formal committee system are just two examples of how the town meeting tradition has evolved to better serve the citizens of Concord. These changes illustrate how town meeting has been made, respectively, both more accessible and effective.

There is, of course, much about the open town meeting that is positive and effective in serving the needs of Concord and the ideals of a democracy. But it is also true that there is today a significant number of Concord citizens who would like to participate in town meeting but are not able to participate due to reasons ranging from their age, health, parental/dependent care duties, professional and work responsibilities, and/or economic status. As a consequence, the time has come to make further changes to open town meeting -- in line with past historic adjustments -- so the democratic character of local government in Concord is strengthened and our unique New England tradition is enhanced.

In response to the Selectmen's charge to the Town Meeting Study Committee, which asked that it "determine how the town meeting process might be made more accessible and effective," the following changes are proposed.

To improve the access to and effectiveness of both the deliberative and decision-making process.....

1. Warrant articles at Annual and Special Town Meetings should be voted on by registered voters at the ballot box immediately following each deliberative session (i.e. at the conclusion of each evening of town meeting and throughout the following day). Voting will be limited to only those warrant articles that have been presented and for which a motion to "call the question" on the warrant article (or an amended version of the article) has passed the deliberative session. Voting on those warrant articles will conclude before the next deliberative session begins so that results are available and can be communicated at the start of the next deliberative session (i.e. evening).

This proposal will allow many who want to, but who are not able to be physically present at the town meeting, the opportunity to decide issues of significance to them and the town. It will also allow all registered voters a small amount of additional time to fully consider the views and opinions they have just heard expressed; if they need additional time to digest all that they heard at the town meeting, they can "sleep on it" if they so desire. By scheduling the vote closely in time to the final deliberative session, citizens will still need to track the debate and discussion so they are tuned to the issues and prepared to exercise their vote (either late in the evening or the next day). The open town meeting retains its role as the final place for information gathering and exchange; moreover, it is likely many will observe the debate via television (live or taped) or listen by radio. The ability to participate in the decision-making process without being physically present will open the door to town meeting for many who are now unable to attend.

While the issue of improving access to the decision-making process is, by far, the most important issue requiring attention, there are a number of other, very minor changes that can also be made to enhance the town meeting process. These recommendations are discussed briefly on the following pages. The balance of this White Paper will address the first proposal to change the voting procedure at town meeting.

2. Town meeting should be scheduled for late March or early April (prior to the beginning of daylight savings time).

This proposal will provide citizens -- particularly those with school age children -- with a better opportunity to attend town meeting. The current scheduling of town meeting, designed to deal with state budgeting cycles, unfortunately comes just at a time when Spring and its attendant outdoor evening recreational program begins (e.g. youth softball, baseball, soccer). This makes it particularly difficult for parents of young children to find child care providers and parents of adolescent children must deal with the transportation and logistical issues associated with their children's participation in these and other activities. Moreover, the recent scheduling of town meeting -- just as school children have returned from their April school vacation and are settling into their final few weeks of school -- makes it a particularly difficult time to attend town meeting.

3. The Moderator should group warrant articles of a similar nature (e.g. budget-related warrant articles, land use warrant articles, administrative warrant articles) and schedule these items for debate and discussion on the same evening (or adjacent evenings) whenever possible. The town should communicate the grouping and order of the warrant articles to citizens in advance of the town meeting to assist citizens in planning their attendance at town meeting. Subsequent changes in the order that warrant articles are considered could be made by a vote of citizens at the town meeting.

This proposal will allow citizens to plan their schedules and improve their ability to attend the town meeting -- especially on warrant articles of greatest personal interest.

To improve the access to and effectiveness of the deliberative process....

4. The Moderator should designate "pro" and "con" speaking positions (i.e. microphones) at the start of each deliberative session (i.e. evening). As a norm, the Moderator would alternately recognize "pro" and "con" speakers so long as individuals are present on both sides. Should there be no more speakers at one position, the Moderator would recognize all remaining speakers in the order that they ask to be heard. As a norm (but not as a rule), the Moderator would request that the question not be called until at least three speakers on each side of a given position have had the opportunity to speak. Should a speaker -- at either position -- pose a question that is not directed to an individual or committee, the Moderator should ask the speaker to direct the question to someone by name and afford time for that question to be answered.

This proposal will allow the Moderator to facilitate a more balanced debate and discussion of warrant articles and ensure the fullest possible airing of all viewpoints. At present, the Moderator has no ability to gauge in advance the position of the speakers and is thus, asked to moderate a discussion that is somewhat randomly structured and possibly unbalanced.

To improve the access to and effectiveness of the process leading up to town meeting....

5. The Selectmen and all formal committees should adopt a norm to receive citizen comments at the beginning of their meetings for a period of approximately 15 minutes. Citizens would be invited to speak briefly (2-3 minute limit per speaker) and the Chair of the Committee would be expected to limit the number of speakers, if necessary, so the Committee could commence work on its formal agenda fifteen minutes or so into the scheduled meeting time. This norm of opening with citizen comments should be attempted at all or at alternating meetings. A more open-ended citizen comment period at the end of each meeting should be retained.

This proposal would send a clear signal that citizen input is welcome and can be received at a regular time (i.e. at the start of the meeting rather than late in the meeting at a time that can not usually be predicted in advance). The Committees would have the benefit of hearing from more citizens and improve the likelihood that their work would be well-received in the community.

II. Goals and Guiding Principles

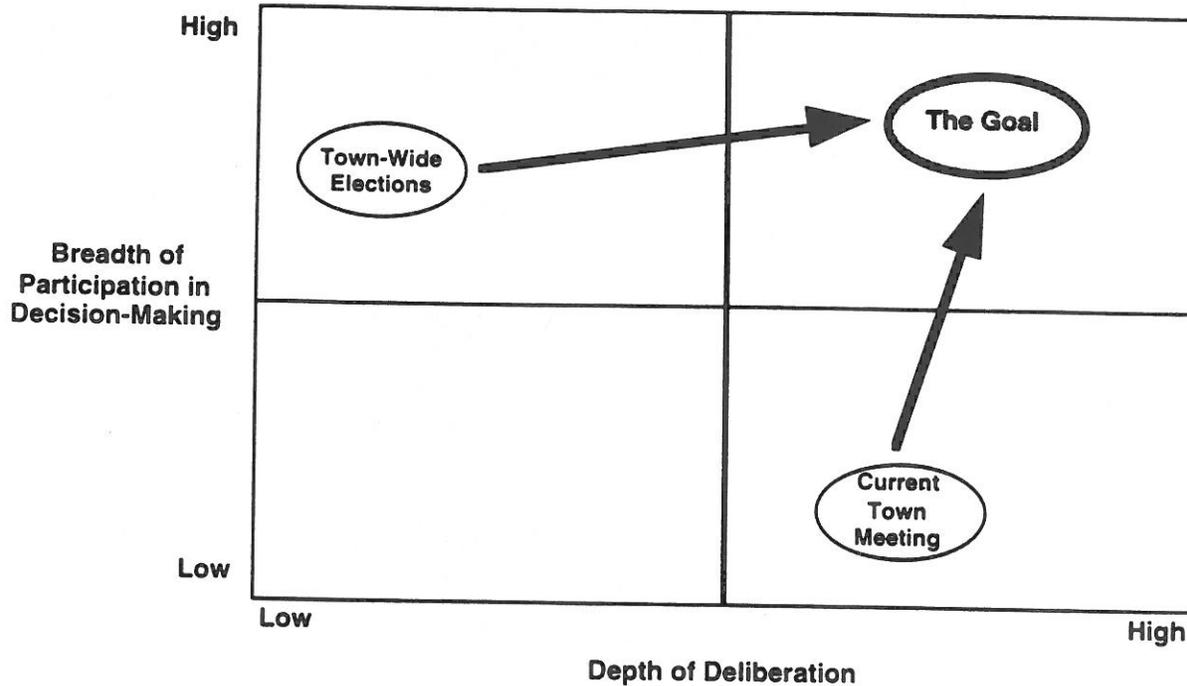
In the course of the past year, a good deal of praise as well as criticism has been heaped upon the open town meeting as a form of local government. Some have cited Thomas Jefferson's views of town meeting when he called it the "purest form of democracy" while others have derided it as "a dinosaur that has long since been extinct." Wherever the truth lies on this one, it should be noted that neither Jefferson nor the Jurassic-era citizens had any direct experience with open town meeting. So we're left, I suppose, to sort out this issue ourselves.

While proponents and antagonists can argue endlessly about the merits (or demerits) of town meeting, it seems little is achieved without grounding on some common goals and guiding principles. Much of the debate, it appears, has been focused on the rights and responsibilities of citizens vis-a-vis the open town meeting. But what is it that we -- the citizens of town -- want our government to be? Is town meeting a means to the end of effective local governance? Or is it an end in itself? And is there any room for improvement? What should be our goals for Concord's town meeting? While many of these questions are philosophical in nature and have no easy, nor practical answers, the development of a common set of goals should be within our grasp. Indeed, the Committee's early discussion in Spring touched on the subject of our goals for town meeting.

All seemed to agree that it would be better if more participated (and were, therefore, more fully enfranchised) in the deliberative and decision-making process of town meeting. The long-running experience in Concord and other New England towns, however, is in sharp relief to this goal: relatively few do participate in open town meeting and those that do generally are not broadly reflective of the town's population from a demographic perspective. Most also seemed to agree that the town meeting process (including all activities prior to and during town meeting) is generally thoughtful and deliberative. That is, the decisions arrived at are based on solid reasoning and logic due in large part, to the quality of those individuals serving on town committees.

So is there a tradeoff between breadth of participation and depth of deliberation? Clearly, it would be best to have a town meeting process that broadens participation (by making it more accessible) and deepens or strengthens the quality of deliberation. Can we attain the best of both town, state/national elections and town meeting, which together provides for breadth of participation and depth in its deliberative qualities. Without question, the answer is yes.

"A Framework for Improving Concord's Town Meeting"



There are a few guiding principles that should help guide our thinking about improving upon the current form of town meeting. As a form of local governance, it should:

- Provide citizens with reasonable access to the deliberative and decision-making process
- Seek to obtain the broadest possible participation on decisions affecting a substantial majority of citizens so that outcomes accurately reflect the views of its citizens
- Apply rules that are fair and practical
- Use the best possible means of communications to broadly inform participants of facts and opinions
- Employ procedures that are reasonable and efficient in terms of time and cost to the community
- Avoid procedures that place undue pressure or stress on its citizens
- Earn the confidence and trust of as many citizens as possible by producing outcomes that are in the "best interest" of the town

In its current form, town meeting does not fully nor effectively meet the principles listed above. While a democratic utopia may never be within reach, it is safe to say that there is significant room for improvement.

III. The Need for Change

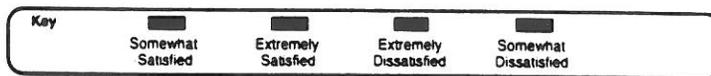
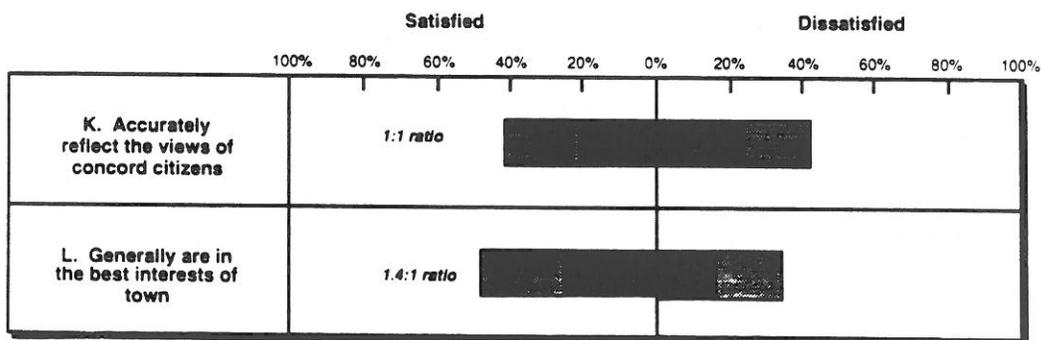
Unlike other towns or jurisdictions, Concord faces no major tax, fiscal or political crisis -- the typical ingredient needed for changing the order of things in government. To the contrary, it appears that most citizens believe the town is effectively governed by its Selectmen and its Moderator, is ably served by its committee system, and is well-managed by the Town Manager. So what, then, is the problem?

Simply put, there are a significant number of Concord citizens who would like to attend and participate in town meeting but are not able to do so because of reasons that pertain to their age, health, parental/dependent care duties, professional and work responsibilities, and/or economic status. They want to participate because they believe that issues decided at town meeting are important and affect them significantly. In its town-wide survey, the Committee learned that most respondents (78%) indicated that the issues decided at town meeting "affect me significantly" and that most (68%) are not "satisfied to let others deliberate and decide the issues."

Perhaps it is no real surprise that citizens appear divided in the level of satisfaction and dissatisfaction with town meeting outcomes. As shown below, the survey respondents were evenly divided (42-42%) on whether the decisions made at town meeting accurately reflected the views of Concord citizens. And only a modest majority (49-35%) thought the decisions made were "generally in the best interests of the town." These findings suggest that the current town meeting *process* (vs. the people involved with it) does not inspire widespread confidence or support.

Reaction to Town Meeting Decisions

Q15. How satisfied are you that the decisions made at town meeting...

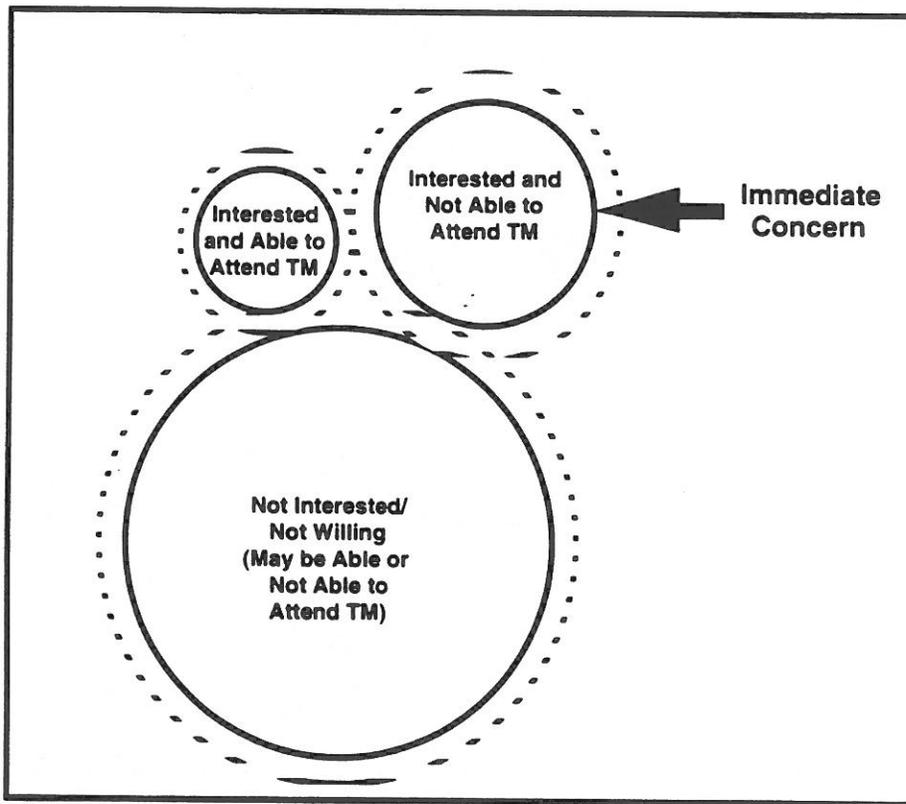


Note: Percentages of respondents who were "neither satisfied nor dissatisfied" are not shown

Source: Town Meeting, Study Committee, Town-Wide Survey Findings (September 1995)

If the issues decided at town meeting are so important, why don't more people attend? It is probably true that a large number of citizens are just not that interested in attending town meeting; some (32% of survey respondents) are willing to delegate the deliberation and decision-making of warrant articles to others. While it is not really possible to estimate the percentage of citizens that fall into this "uninterested" category, it would seem that the number is fairly large (perhaps more than half of registered voters at any given time). This perspective, however, does seem contrary to the fairly high level of voter turnout for state/national and townwide elections (see Exhibit 1). There are undoubtedly many different reasons for so many citizens to lack interest in attending town meeting; diagnosis of those issues can and should be left for another day. The issue before the Committee centers on those citizens who are interested and not able to attend town meeting. By any estimate, it would appear that the number of citizens who are interested and not able to attend town meeting exceeds the number who are interested and who are able to attend town meeting.

A Perspective on Citizen Attitudes and Behaviors
(Illustrative)



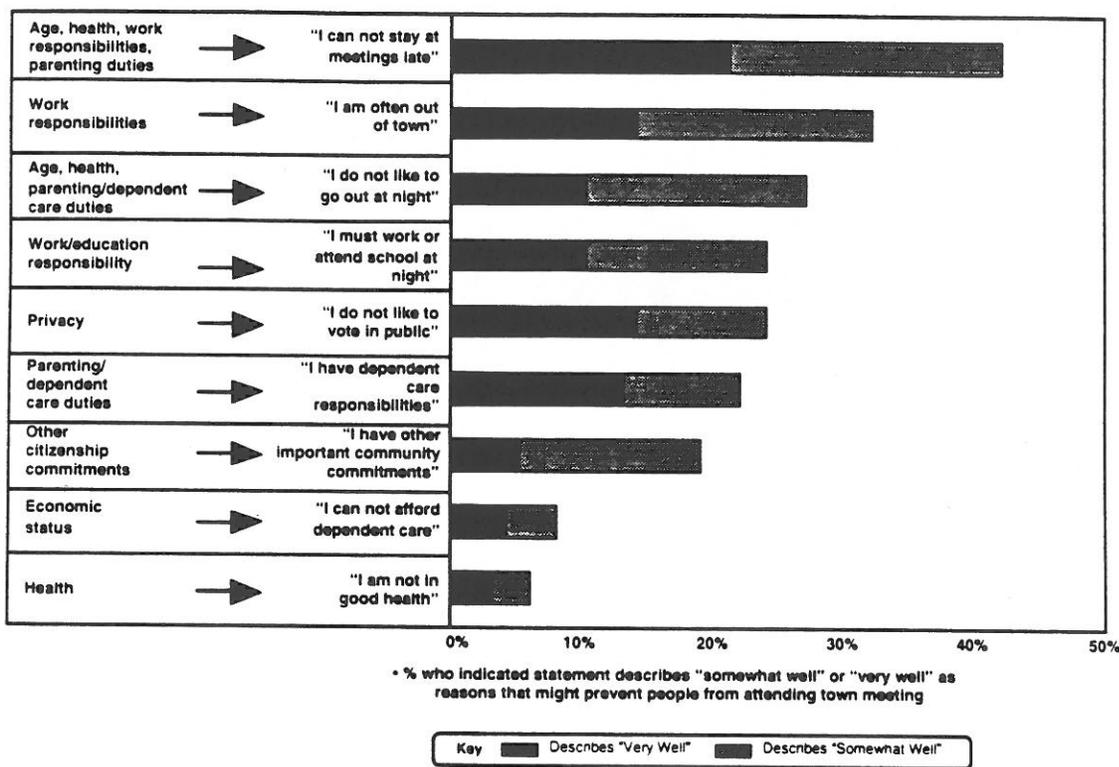
Circle size represents relative proportion of population. As represented by the dotted line, size of these groups can and will change over time.

Attendance at town meeting has officially been in the range of 6-7% of registered voters in recent memory (see Exhibit 2). Since this official turnout counts the number of voters present for the single highest recorded vote during the entire town meeting, it likely overstates the percentage of those present at most other times. Turnout is more in the range of 4-5% for most of the town

meeting. And if we account for the hundred or so members of town committees that are almost always present, the attendance of citizens who are outside of the day-to-day governance process begins to look like a rather slim figure. The point here is not to diminish the enormous sacrifice and contribution made by those that do attend town meeting but rather to point out that many just simply can not attend or do so at an unreasonable and unnecessary cost.

So what are the barriers to attending town meeting? There is no single reason but rather a long list of reasons -- some specific to a small percentage of citizens (e.g. poor health) while others pertain to a relatively large percentage of citizens (e.g. the child care dilemma for parents of school-age children under 13 years old). Collectively, the barriers to town meeting attendance, represents a significant number of citizens. Whether that number is a large minority or a small majority of citizens is not relevant: it is significantly more than the 6-7% that attend town meeting and decide issues of great importance to the town.

Barriers to Town Meeting Attendance



Source: Town Meeting, Study Committee, Town-Wide Survey Findings (September 1995)

If improving accessibility were the only issue of importance, the barriers could be readily toppled and participation levels improved with relative ease. Surely, there are plenty of local governance models available that could be adopted in place of the current town meeting; outside of New England, many different forms of local governance have proven effective and efficient. And within New England, there are many different forms of town meeting (e.g. the Representative Town Meeting, the York, Maine ballot town meeting, the Vermont town meeting).

It is clear that the open town meeting is respected, and in some places within Concord, it is revered as a form of local government. In its survey, the Committee found that 61% of respondents indicated "the town meeting makes me proud to be from Concord." Besides its traditional value, town meeting serves as an important final step in a year-long legislative process that begins in committee meetings the previous Spring. Town meeting is a place to gather information and hear -- for the last time -- the views and opinions of others.

But as the Committee learned, town meeting is not a primary source for obtaining information about warrant articles. In its survey of town citizens, the Committee learned that there were other, far more frequently used sources of information. 79% reported always using or frequently using newspaper articles or radio reports, 54% rely on talks with family and friends, and 37% read town committee reports to become informed. Only 31% reported always using or frequently using attendance at town meeting as an information source. A fairly similar view was offered by those who "frequently attend" town meeting. It would appear, perhaps logically, that most citizens equip themselves with most -- if not all of the information -- necessary to decide the issues *before* arriving at the town meeting. It is perhaps reassuring that most citizens do in fact educate themselves (at their own pace and on their own schedule) prior to the final deliberative session. How would we feel if all the decision-making hinged on one final presentation, one final discussion followed quickly by a vote? Town meeting remains important, not as a critical source of information, but as a final place to pose the question, frame the debate and reflect on the decision to be made.

Clearly, there is a critical need to provide greater accessibility to town meeting. But, there is also a need to retain the quality of the final "deliberative" session.

IV. A Proposed Solution

There are many approaches that could be adopted to make the town meeting process more accessible and effective. After assessing a range of potential solutions (see Exhibit 3) that have been discussed at one point or another during the past year, I recommend that we change the voting procedure for town meeting. This proposal will address most of the needs for greater accessibility and, at the same time, provide an opportunity for a more effective deliberative process. Town meeting will be retained as a focal point for both deliberation and decision-making.

Warrant articles at Annual and Special Town Meetings should be voted on by registered voters at the ballot box immediately following each deliberative session. Voting will be limited to only those warrant articles that have been presented and for which a motion to "call the question" has passed the deliberative session. Citizens would retain the right to amend warrant articles at the deliberative session of town meeting (as happens occasionally).

Voting would begin at the town meeting location approximately 15 minutes after the conclusion of the deliberative session and last approximately one hour -- or whatever time is necessary to accommodate voters that are present at the deliberative session and would like to vote that evening. Those in attendance should have the opportunity to vote immediately if they so desire

so no additional effort is required to vote unless they choose to "sleep on their decisions" and return to vote the next day.

The decision-making session (i.e. voting) would continue the next day at the town meeting location (e.g. scheduled for 6:30 am to 6:30 PM) with all voting to be concluded in time to tally the results so they can be announced at the start of the deliberative session that evening. By allowing voting to extend to the next day, those unable to be physically present at the deliberative session of town meeting will still have access to the decision-making session of town meeting. They can watch a cable television broadcast of the deliberative session at home (either live or taped), listen to a radio broadcast of the deliberative session at home, or watch a taped broadcast that could be made available at the library and/or perhaps, at the place of the town meeting the very next day (in a room separated physically from the voting booths and machines).

The cycle of deliberative and decision-making sessions would continue until all proposed (or amended) warrant articles that have been "called" by the deliberative session have been voted upon.

Electronic voting machines (i.e. scanners) would be required to efficiently process the large quantity of ballots expected with this procedure. (Note: The Town of Concord has existing plans to acquire the appropriate electronic voting machines by 1998.) In order to accommodate the need for immediate voting, all ballots would be printed in advance of the town meeting with the proposed language for the warrant article included as it is drafted and submitted to the Moderator about three to four weeks prior to town meeting. Because the number and order of warrant articles that are proposed and called in a given night can not be adequately predicted, each ballot (a hardstock piece of paper that is fed into a scanner) would contain one warrant article as shown below. Whenever possible, warrant articles could be grouped on a page (e.g. consent calendar items) to save on printing costs for the ballot.

Example of a Ballot



Each warrant article is printed on a separate ballot

ARTICLE 20
Shall the Town vote to raise and appropriate a sum not to exceed \$70,000 for the Recreation Department, and authorize the Selectmen to expend all revenues generated by Recreation Program, and furthermore shall the Board of Selectmen adopt this line item of the Town Budget as proposed by the Budget Committee.
STATEMENT OF FACT: The Recreation Department is expected to earn \$196,000 in program income. The cost to the taxpayer of the Recreation Department is \$70,000.
A YES vote authorizes a tax appropriation of \$70,000 as proposed by the Budget Committee and authorizes the expenditure of all revenues generated by the Recreation Program. A NO vote authorizes the previous year's tax appropriation of \$53,860 and authorizes the expenditure of all revenues generated by the Recreation Program. Selectmen recommend approval.
YES <input type="checkbox"/>
NO <input type="checkbox"/>

Voting machine electronically scans ballot

Registered voters would present themselves to the clerks at the town meeting voting place and receive ballots appropriate for that particular deliberative/decision-making session. If on the first Monday evening for example, Warrant Articles 1-12 were proposed and "called," Warrant Article 13 was not moved, Warrant Article 14 was proposed, amended and "called," voters would receive 13 ballots (all but Warrant Article 13) and vote on those articles only. A voting booth could be provided (e.g. a seating area) to mark the ballots and voters would then proceed to submit the ballots to the scanners. In this example, voting would begin Monday evening at the end of the deliberative session which might begin at approximately 10:00 PM. Since no time will have been spent voting earlier in the evening, the deliberative session should be able to deal with a larger number of warrant articles in the first two-and-a-half hours than is currently the case (with voting consuming a fair amount of the time of town meeting). Voting would continue on Tuesday and conclude by 6:30 PM. allowing enough time for the electronic scanners to report the voting on all 13 warrant articles in time for the beginning of the Tuesday evening deliberative session.

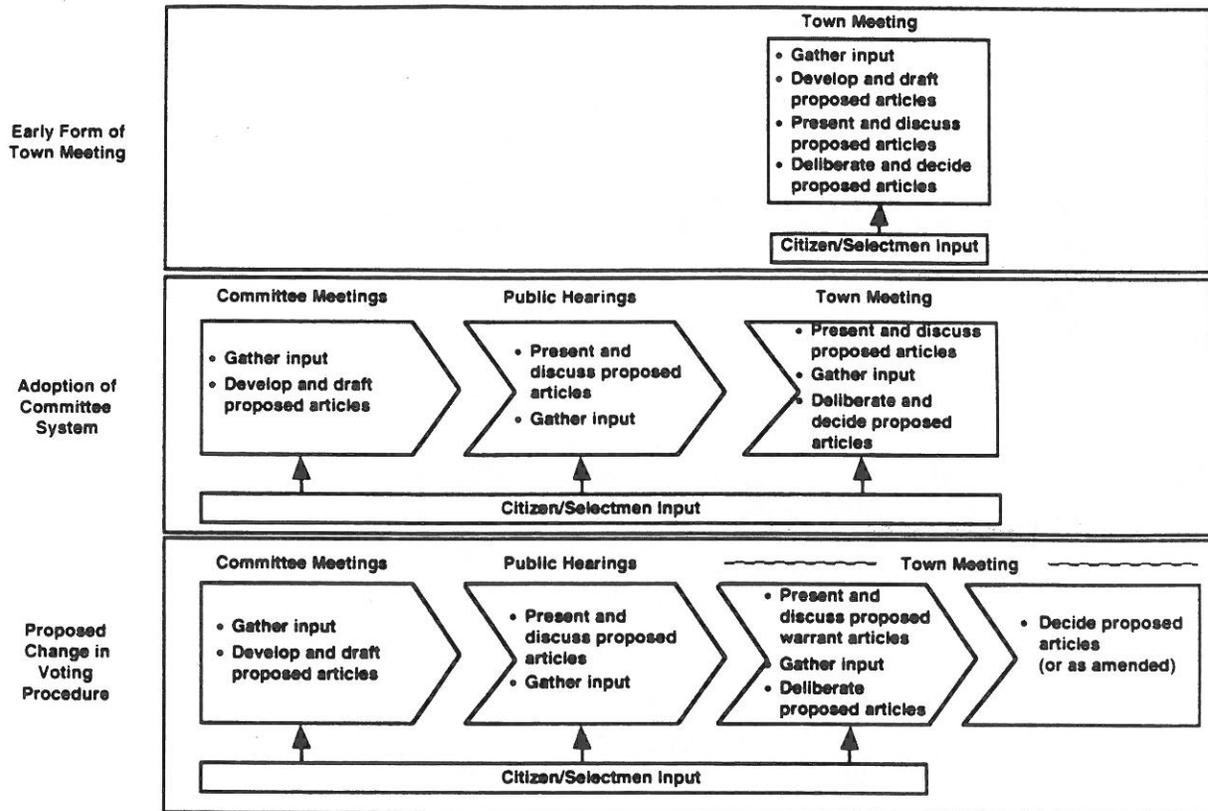
In the event a warrant article is passed with amended language at the deliberative session, voters could still use the ballot printed with the original language. The amended language could be printed on a regular sheet of paper and presented to voters when they receive their ballots (hence the reason for the slight 15 minute delay between the end of the deliberative session and the start of the decision-making session). A word processor and a photocopier would be needed at the town meeting place to print and copy the newly amended warrant article if it is called. As an alternative, the language of amended warrant articles could be posted prominently instead of being printed on flyers. (Note: As currently practiced at town meeting, it is somewhat difficult for voters to precisely capture the language of amendments as made from the floor, so this procedure should improve voter understanding of amended warrant articles before they are voted upon).

While the notion of changing the voting procedure may seem, as some have called it "an assault on the town meeting tradition" or "an attack on deliberative democracy," I'd hasten to add that change has been a constant thread in the traditional fabric of this form of democracy. The times have changed considerably and so has town meeting. It is probably one of the major reasons it endures as both an active form of government and as a tradition.

In its original form, town meeting was a gathering for adult male, property owners (most of whom were farmers); it is notable that the meeting was scheduled at a time deemed to be most convenient for the farmers (in March, just before the planting cycle). Those eligible to attend came together at one time to complete all the "legislative business" of the town across one or more evenings. Over the years, many changes -- some subtle, some significant -- have been made to town meeting procedures to make it more accessible and effective.

The relatively recent adoption of the committee system, designed to deal with the increasing complexity of issues, stretched the process out considerably. What was once done on one or across a few nights with all gathered in one place is now done across nearly a full year and is done by a variety of different committees meeting all around town. Many more are involved than was the case at the founding of the town and its town meeting. The change in voting procedure can be viewed as a similar expansion of the process (by just an additional day!)

A Historic Perspective on the Proposed Change in Voting Procedure (Illustration of Key Stages of Process)



V. Benefits and Costs

“The human mind welcomes the familiar. It is prejudiced in favor of that which it knows about and against that of which it is ignorant.” This quote, by Arthur Stone Dewing, offered in 1923, captures some of the challenges associated with considering changes to the town meeting process. Those most involved with it, in the main, know it works well for them and are convinced it works well for the town. Those that can not readily become involved with the town meeting process, similarly believe it doesn’t work well at all for them nor for the town. An assessment of the likely benefits and costs associated with any proposed change might help break this logjam.

The proposed change in voting procedure provides a number of benefits:

- Maximizes the opportunity for more citizens to participate in the town meeting process
- Builds broader support for the outcomes of town meeting and inspires greater trust and confidence in the process (and the people leading the town)

- Increases the time for deliberation by reducing the pressure to vote early in the evening and by eliminating the time-consuming voting process (when votes need to be counted)
- Increases time for reflection before deciding the issues (e.g. the opportunity to "sleep on the decision")
- Reinforces the importance of the final "deliberative session" for those who are physically present and for those participating (i.e. observing and listening) from home.
- Displays flexibility and responsiveness while also retaining a tradition of local governance

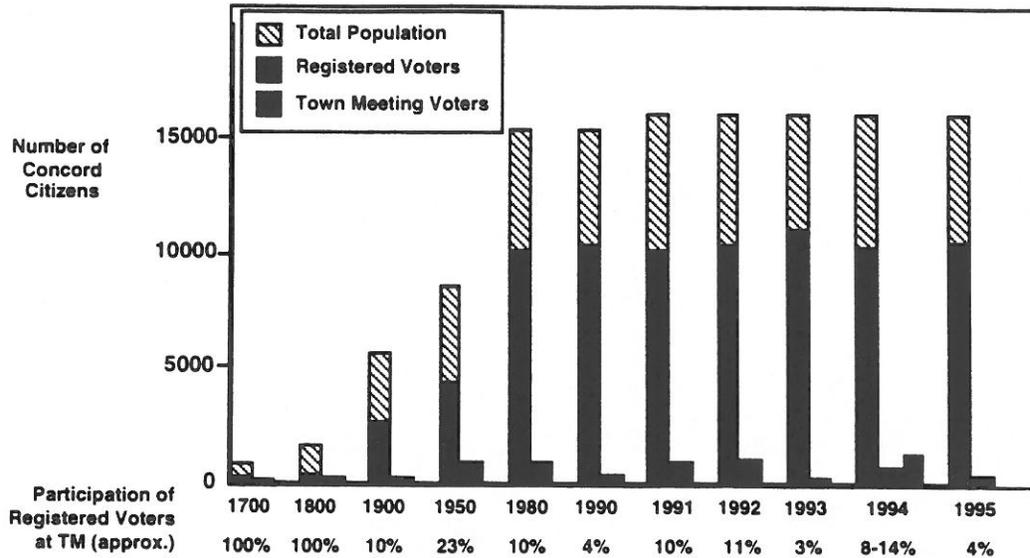
The proposed change will involve some additional costs (which need to be estimated):

- Printing costs associated with the ballots (Note: the cost of the electronic voting machines or scanners will be incurred regardless of any change in voting procedure at town meeting. It is possible that this change in voting procedure could negate the requirement for the expensive closed circuit television system now utilized at town meeting.)
- Labor costs associated with staffing the voting booth at town meeting during the evenings and daytime hours. (Some of these costs might be offset by volunteers who currently assist with town meeting voting).
- Labor costs associated with any police attendance at the town meeting voting place during the daytime. (Assume evenings are currently policed)
- Costs for using space for town meeting voting across multiple days (e.g. the high school gym or cafeteria, the Mediplex lobby and auditorium).

Making any change involves some degree of risk. But given the potential to significantly increase accessibility and the possibility of enhancing the effectiveness of the town meeting process, the risks appear quite insignificant when measured against the opportunities. It is hard to imagine how the town meeting process could ever be compromised because more citizens participate. As individual citizens, we all have a stake in good government and the outcomes it produces. It's time to make a change!

Exhibit 1

Attendance at Concord Town Meeting

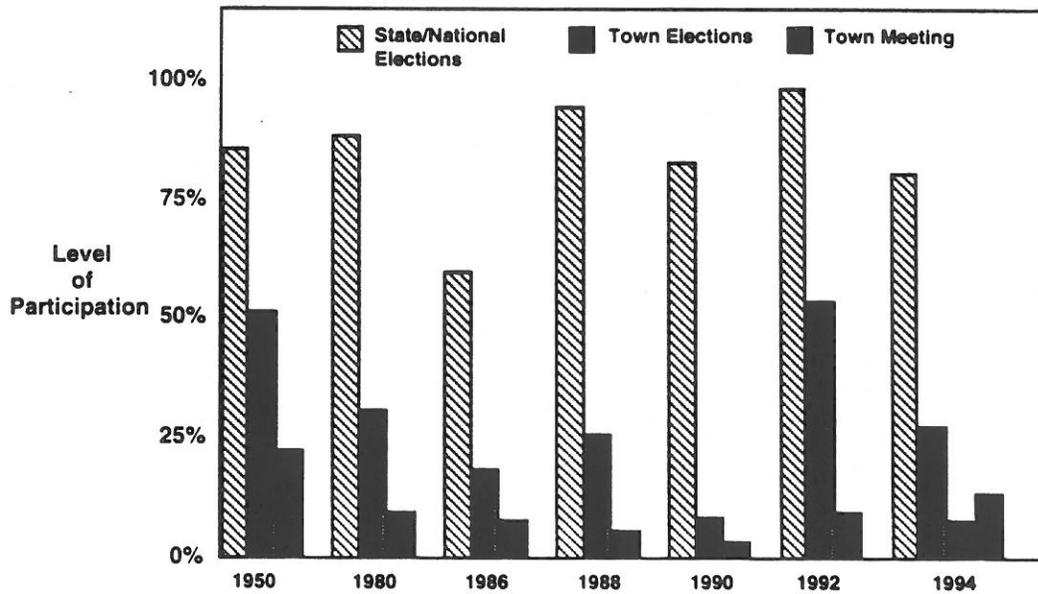


Source: Town of Concord, *Concord Enterprise*, *Concord Journal*

Note: The numbers for 1990-1995 represent the highest documented vote at any session of the Town Meeting
 Average attendance (1985-1995) for Concord town meetings is 593 or 5.9% of registered voters; 671 or 6.7% of registered voters with special town meetings included in the average.

Exhibit 2

Comparison of Voting Turnout in Concord



Source: Town of Concord, *Concord Journal*

Exhibit 3

Assessment of Potential Solutions

Underlying Issues Possible Solutions	Accessibility									Effectiveness
	Cannot stay at meetings late	Often out of town	Do not like to go out at night	Must work or attend school at night	Do not like to vote in public	Cannot or will not delegate dependent care responsibility	Have other important community commitments	Cannot afford dependent care	Not in good health	
1. Improve publicity about TM dates	○	◐	○	◐	○	◐	◑	○	○	=
2. Provide transportation to TM	◐	○	◐	○	○	○	○	○	○	=
2. Provide child care/dependent care	○	○	○	○	○	◐	○	◑	○	=
4. Improve management of warrant articles (grouping)	◐	◐	○	○	○	○	○	○	○	+
5. Change day of TM to weekends	●	◑	●	●	○	◐	○	○	○	-
6. Change dates of TM to late March/early April	○	○	○	○	○	◑	◑	○	○	=
7. Adjourn at earlier hour in the evening (e.g., 10:00 p.m.)	●	○	◐	○	○	◑	○	○	○	=/+
8. Allow proxy ballots	◐	◐	◐	◐	◐	◐	◐	◐	◐	--

Key:

● Fully Addresses Issue	◑ Mostly Addresses Issue	◐ Partially Addresses Issue	○ Does Not Address Issue
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+ Enhances
= Neutral
- Diminishes

Exhibit 3 (continued)
Assessment of Potential Solutions

Accessibility

Effectiveness

Underlying Issues Possible Solutions	Accessibility									Likely impact on this Town Meeting Deliberative Session
	Cannot stay at meetings late	Often out of town	Do not like to go out at night	Must work or attend school at night	Do not like to vote in public	Cannot or will not delegate dependent care responsibility	Have other important community commitments	Cannot afford dependent care	Not in good health	
9. Allow selected articles to be voted on by ballot after the deliberative session (determined before TM)	◐	◐	◐	◐	◐	◐	◐	◐	◐	-
10. Allow selected articles to be voted on by ballot after the deliberative session (determined at TM)	◑	◑	◑	◑	◐	◑	◑	◑	◑	-
11. Change voting time to pre-established hour at end of each deliberative session	○	○	○	◑	○	○	◑	○	○	+
12. Change voting time to end of each deliberative session (late evening and next day)	●	◑	●	●	●	●	●	●	◐	+
13. Change voting time to end of all deliberative sessions (week or two later)	●	◑	●	●	●	●	●	●	◐	=
14. Change voting time to end of all deliberative sessions (month later to allow for absentee ballots)	●	●	●	●	●	●	●	●	◐	-
15. Change voting to mail-in ballot	●	●	●	●	●	●	●	●	●	--
16. Change to representative town meeting	?	?	?	?	?	?	?	?	?	NM

Key:	● Fully Addresses Issue	◐ Mostly Addresses Issue	◑ Partially Addresses Issue	○ Does Not Address Issue	+ Enhances
					= Neutral
					- Diminishes

A Bold Proposal A New Model for Town Meeting Governance

Six months ago, we remarked that we were both honored and humbled to be asked to serve Concord and its citizens in exploring "options to provide increased opportunity for citizens to participate in (the) resolution of questions that town meetings are authorized to decide and to enhance (the) effectiveness of the process." We remain feeling honored. We probably feel even more humble as the importance to citizens and the difficulty of our task becomes more clear.

After hearing citizens express their views over the past six months in manners that befit our citizens, both articulately and ardently, and after studying the views expressed by nearly 2000 citizens in the form of their survey responses, I have come to the individual conclusion that Concord does not need to totally abandon what is good in Town Meeting in order to increase citizen participation in the Town's governance.

Indeed there is much good in Town Meeting. It has well served the Town for more than 300 years. It joins together hundreds of citizens who might not otherwise come together into a body to discuss, to listen, to consider and to decide those civic issues that concern the Town. Some have even attributed a spiritual dimension to Town Meeting. But accepting its proven strengths and many attributes is not to say that it cannot be improved while preserving its essence and that it needs to remain the exclusive vehicle for our governance.

"The Town is controlled by a clique of 400." "The price of admission is to merely show up." "It is a tyranny of the minority." "It is the purest form of democracy." "People are vitally interest in Town issues but find they are precluded from participating by today's pace and life-style." "No one seems to be unable to find Town Meeting when an issue directly impacts them." "People don't come because they are disaffected and alienated from the political process." "People don't feel a necessity to push business and family priorities aside to attend Town Meeting inasmuch as most things end up decided approximately as they want them." These views are, at once, all right and all wrong. They reflect positions either in favor of retaining Town Meeting in its present form or in abandoning it completely.

It is a worthy goal to broaden the decision base for issues that divide the Town while retaining Town Meeting as a forum to meet, to speak on issues, to listen, to amend and refine proposals and then to decide non-divisive matters. Few are sufficiently wise to devise a litmus test or a template to decide what is divisive at a given moment in our Town. Accordingly, the Town Meeting itself may decide what is divisive in the following manner. If a warrant article, after being moved, discussed and even amended, either passes or fails by a margin of less than 20% of the vote of the citizens then present, the issue is not decided but is put over for vote by secret ballot at the precinct polls within a short period after the last session of Town Meeting.

By this means, the traditional Town Meeting will continue to serve as a vital forum to debate and learn about governmental issues for the many who derive value from it. It will continue to dispose of the vast majority of matters, matters which do not divide men's and women's minds. It will refine and clarify through the amendatory process issues and present them for decision either then at Town Meeting or later by secret ballot. It will not finally decide close issues, issues that may fester and spawn both resentment and future challenge. Those issues would, as they should, be decided by a wider decision-base with more citizens having the opportunity to make their positions felt. There will be fewer charges of "cliques", practical preclusion from participation, disaffection and alienation, and the resolution of divisive issues will be more widely and readily accepted and, consequently, more

final with fewer occasions for Special Town Meetings and fewer revisits to the same issue at later Town Meetings.

No matter should be referred automatically to this process, not even budgets. While other towns with different histories and needs may find it necessary to specially treat budget matters, Concord has not yet seen that need. Concord will know if and when that day arrives and can address it at that time. Until then, articles that impact the budget, including budgets themselves would be treated as outlined above. It is acknowledged that articles referred for final determination by a subsequent ballot could have either a positive or negative budgetary impact. Whether by language contained in the budget article itself or by the same promulgating authority as authorizes the ballot process, the overall spending authorization could be automatically expanded or contracted to reflect the ballot result. Where passage of a referred article would serve to increase the budget sufficient to require a Proposition 2½ override, this override question would become part of the referred article without the need of formal amendment at Town Meeting. In this manner, inconsistent results would be precluded.

Issues that require approval by a two-thirds majority would either pass by such a majority at Town Meeting or would fall within the 20% margin. If the latter occurs, the matter would be referred to a subsequent secret ballot where passage would depend upon a two-thirds majority.

I would also make adjustments to the timing and conduct of Town Meeting along the lines suggested in the Talking Paper submitted earlier but amended to reflect the Committee's views. Much can be done to remove or alleviate conditions that render it difficult to attend Town Meeting sessions. As needed as these adjustments may be, however, they would still not sufficiently operate to broaden the decision-base to resolve controversial issues.

Finally, I would recommend that our Town committees and boards give very serious consideration to adopting many of the approaches utilized by Town of York, Maine, that encourage citizen participation at the committee and board level. I particularly commend for further study the expansion of Community TV's mandatory coverage to include more boards and committees. I recommend periodic telephone call-in sessions for policy-making bodies.

I look forward to receiving each of your proposals and listening to each of your views on mine.

FROM: Tana L Plauger
398 Main Street
Concord, MA 01742

TO: Town Meeting Study Committee
RE: **Town Meeting Changes**
Date: December 1, 1995

Concord's Legislative Body

Concord citizens voted to accept the Massachusetts General Laws Act of 1952, Chapter 39 in 1955. This Chapter covers the laws pertaining to municipal government. On March 12, 1956, Town Meeting adopted the Selectmen-Manager form of government. This Concord Town Charter empowers Town Meeting (vote of town citizens) with the duty to define the powers, duties, and responsibility of elected officials. Some of these duties are required by applicable statutes of Massachusetts General Laws and Constitution. Some were required under town by-laws of the previous Charter of Concord. The elected officials of Concord are:

- Town Meeting — A Moderator for a term of one year.
- Board of Selectmen — Five Selectmen each for a term of three years.
- School Committee — Five Members each for a term of three years.
- Housing Authority — Five Members each for a term of five years.

All other officials are appointed by the Board of Selectmen, Town Manager, Town Moderator, and School Committee. The Board of Selectmen receives a report of these appointments and takes action to accomplish the purpose of such committees, boards, and task force committees.

This form of government allows the Board of Selectmen to oversee a strong Town Manager who manages town departments and employees. The Board of Selectmen and the Moderator are charged with the task of presenting the Warrant of Articles for consideration at Annual Town Meeting. Approving town legislation remains the duty of Annual Town Meeting. In this form of town government the tasks of town government are to be guided by volunteer members of boards, committees, and task force committees. This citizen involvement encourages us all to grow in necessary skills that strengthens democracy and our community.

In *Democracy In America*, Alexis De Tocqueville identifies the strengths of the Citizen Legislature and how it encourages citizens:

- To take part in every occurrence in Town.

- To practice the art of government in small spheres [committees and boards].
- To become accustomed to governing forms [making by-laws and budgets] that advance liberty without revolution.
- To acquire a taste for order [Town Meeting Rules of Order].
- To comprehend the balance of power [Town Coordinating Meeting].
- To collect a clear notion of the duties and rights required of citizens to be a contributing member of the township.

“The distinctive characteristic of town government is the town meeting ... in which are vested the traditional powers of the legislative branch of any level of government — the power to make laws and the power of the purse.”¹ Town Meeting is Concord’s salute to democracy and the laboratory in which we form our community. De Tocqueville recognized that devoted attendance to Annual Town Meeting is a civic duty — “patriotism is a kind of devotion which is strengthened by ritual observance.”² He recognized how attached a New Englander was to his township because it was a “free and strong community of which he was a member, and which deserves the care spent in managing it.”

American townships “disseminate power” for the purpose of inclusion of the greatest number of persons in the common weal. This power is divided among “several spheres” that represent and act for the community. The local authority is dispersed among many of the citizens. In Concord the Town Meeting represents this spreading of power and authority. With power and authority, citizens have responsibility and duty.

The responsibilities of legislators require that they take part in the deliberative process and become familiar with the governing forms. As citizens work together to create the final motions for Warrant Articles, we listen to the voices within the community. We learn the importance of compromise and precision for balancing power and rights for the good of all the community. We build consensus for what we want our community to be. Town Meeting is the forum in which we reaffirm with our neighbors that we are a community.

Annual Town Meeting requires that citizens contribute to the community with clear notions of the process and the substance of the issues. Participation in shaping and discussing the Warrant Articles shapes the community’s shared public values. Those not attending Town Meeting are missing information and communication that

¹ *Town Meeting Time*, Second Edition, Richard B. Johnson et.al., Robert E Krieger Publishing Company, Malabar, FL, 1984 page 1.

² *Democracy In America*, Edited by Richard Heffner, Mentor Books, New York, NY 1956 pages 60-61.

influence their neighbors to vote on one side or another of an issue. This lack of knowledge sometimes hinders our ability to form community wide consensus, and we then feel divided.

Massachusetts Open Meeting Laws stress to members of a public body that it is in violation if they meet in “Cracker-barrel” sessions to circumvent required discussions and deliberations in public. “Deliberation is considered to be any discussion which advances members of a board toward a decision on a governmental matter. ... The deliberation and the decision can be altogether different when considered by members together.”³ Many complaints come from the public, the press, and board members themselves when decisions that require public discussion are made without public input and witness. Should not the Town require of its citizens the same responsibility it requires of those who serve in government?

Legislative bodies require deliberation, compromise, and consensus to arrive at laws that consider all aspects of an issue. Legislators are required to be present when the vote is taken. In fact, this year the US House of Representatives discontinued any proxy voting within all the subcommittees. This helps to guard against corruption of officials and to secure accurate counts. The honor of making a decision together is much like the honor given to a handshake that closes a deal. This creates trust among those who decide together and brings commitment to following the actions that are required. This trust and commitment is nourished during the deliberative process and brings shared understanding to the final motion on an article. Annual Town Meeting is the time our community nourishes trust, commitment, and skills for democracy.

I believe that Open Town Meeting is the best form of government for Concord. Any changes to that process should not be made quickly. It requires much thought and public deliberation. Separating decision making (ballot) from the deliberation (gavel-to-gavel town meeting) is a major change in Concord Town Government. Decision-making power is held by citizen legislators who are currently required to attend Annual Town Meeting. There they must listen to other citizens, present their views, reflect upon the issues brought forward, and then decide as a group. This is how our community works together. The influence of others beyond our community is curtailed by the presence of all of us together and the requirement that we be citizens of Concord. We are the neighbors who have the power to continue to make our township a community, not just another bedroom suburb.

Some changes can certainly be made in the schedule of warrant articles — the time Town Meeting is held [Timing] and the time for taking votes [Vote Hour] —

³ A Guide to Open Meetings, League of Women Voters of Massachusetts, Boston, MA, page 9.

that could improve the efficiency of the meeting. Giving citizens better access for voicing their issues [**Media Coordination**] and clearly defined scheduling of issues [**Schedule Issues**]. would improve Annual Town Meeting for everyone. But we should continue to face each other annually and together make decisions for the good of all.

See the documents that discuss each of these issues under the titles — **Timing, Vote Hour, Schedule Issues, and Media Coordination.**

FROM: Tana L Plauger
398 Main Street
Concord, MA 01742

TO: Town Meeting Study Committee
RE: **Town Meeting Changes**
Date: December 1, 1995

TIMING

As a community we need to open the discussion about scheduling of Annual Town Meeting. Every year, many of us must juggle the dynamic time schedule of Open Town Meeting and individual priorities for family and work commitments. For some of us our lifestyle easily accommodates Open Town Meeting. For some of us our lifestyle directly competes and we do not think there really is a choice.

The struggle to include of everyone is important for Concord's sense of community. The current scheduling of Town Meeting during weekday evenings is a drawback to many in the community, especially families with small children and citizens who must be out of the community in the evening. Other communities have had success with weekend Town Meeting sessions. This options for Concord is tricky because in our community some worship on Saturday and some on Sunday.

Two minor adjustments in the scheduling of Open Town Meeting address most factors preventing citizens from attending these sessions. We should explore a **Weekend Schedule** that meets one weekend each month (March, April, and/or May) with the meeting hours beginning after sunset Saturday, to accommodate our Jewish community, and continuing on Sunday afternoon. More citizens would have access to the process at this time. Families could more easily provide for child care because it is not a school night. Some families could bring their children along to the gathering. Most workers have the weekend available. By starting early on Sunday afternoon (say at two) perhaps we could eliminate one late evening meeting.

The **Time of Year** for Town Meeting is another factor we should consider. Town Meeting held in March and/or April provides a longer time period after sunset for the Saturday Meeting. The soccer and baseball organizations are less apt to have scheduling conflicts at this time of the year. An autumn Town Meeting would be held in late October and/or November. It would be informative to have a debate at Town Meeting about the time of Town Meeting to get a sense of where our community is in this regard, at the very least.

These two adjustments, *weekend schedule* and *time of year*, might encourage citizen participation in Open Town Meeting without dramatic changes to its current structure. Scheduling time for participation could then become a manageable target for many voters.

FROM: Tana L Plauger
398 Main Street
Concord, MA 01742

TO: Town Meeting Study Committee
RE: **Town Meeting Changes**
Date: December 1, 1995

VOTE HOUR

Open Town Meeting requires our citizens to dedicate time for understanding issues, for listening to others' viewpoints, for debating and solving issues in community groups, and for achieving a consensus at Town Meeting. Some solutions to issues are easier for all of us to accommodate in our diverse lifestyles. Some issues have great community consensus about what is the "right thing." These are easy to solve. It is the issues that have a greater impact upon a part of our community but require all of our resources that lead to controversy. It is our ability to think from a group perspective that keeps us in community. This issue of our time priority is an individual choice. However, the individual choices we make affect our community process.

Every year, many of us must juggle the dynamic time schedule of Open Town Meeting and individual priorities for time with family and work commitments. As a community it is time for us to address this issue.

The adoption of Vote Hour by the Town Meeting addresses some of the issues that face our busy citizens. The Vote Hour is a designated time at which all votes for previously deliberated articles for Town Meeting would be taken. Warrant articles would be deliberated and amended as usual during the evening prior to the Vote Hour. All voting would occur only during the Vote Hour. By stacking the decision-making process at a designated time, we allow for a smaller window of time that citizens must be present to cast their vote. This concentration of time for the decision process would also increase and stabilize the number of voters for each article as the votes would follow one right after another. Containing the decision process to one hour requires a minimum of committed time for those who value the decision process but find the time required for deliberation cumbersome and impossible to achieve.

Vote hour would be set as an amendment in the process to Open Town Meeting and would be published with the Warrant once the Town Meeting adopted this amendment. During the Vote Hour, the Moderator would read and display on screens the final wording of each article and then a vote upon article would be taken. The earlier deliberation period would be the time for amending the article. No amending of the article would occur during the Vote Hour. However, a vote to reconsider the article could be called after the first vote was completed.

With cable TV and radio coverage of the deliberations, citizens could prepare at home prior to the Vote Hour. This would allow them to keep abreast of the deliberation and still maintain a busy schedule or care for dependent family members. The expense of a babysitter would be limited to the time of the Vote Hour or childcare provided at the meeting would be limited in time. Other community activities could be scheduled to avoid this hour and still not hamper other organizations schedules.

Vote Hour encourages greater participation by having the time of voting made more precise. Vote Hour would keep the deliberative process and decision making linked close in time so the information about the article would be vivid in the voter's mind. The chance of outside influences would be limited on Town Meeting votes just as they are currently limited by the process. A scheduled voting hour is more compatible with busy lifestyles. Vote Hour eliminates the expense of polling station set-up and personnel.

Town Meeting has the power to instrument such a change without changing the Town Charter. Vote Hour continues the satisfaction of immediate feedback of voting to our community. Our citizens who participate would continue the important business of building consensus. Vote Hour continues the community tradition of making decisions by listening to each other, contributing to community discourse, and collectively rendering our vote.

FROM: Tana L Plauger
398 Main Street
Concord, MA 01742

TO: Town Meeting Study Committee
RE: **Town Meeting Changes**
Date: December 1, 1995

SCHEDULE ISSUES

Open Town Meeting requires our citizens to dedicate time for understanding issues, for listening to others' viewpoints, for debating and solving issues in community groups, and for achieving a consensus at Town Meeting. It is our ability to think from a group perspective that keeps us in community. This issue of our time priority is an individual choice. However, the individual choices we make affect our community process.

Each year, many of us must juggle the dynamic time schedule of Open Town Meeting and individual priorities for family and work commitments. For some of us our lifestyle easily accommodates all of Open Town Meeting. For some of us our lifestyle directly competes and we are forced to choose between our civic duty and other more pressing duties. We often design our schedule differently when the issues of the Warrant impact on us more directly. Annual Town Meeting should provide a clearly defined agenda so citizens could better schedule the duties required of citizens.

There are two areas that need attention — scheduling of the Warrant Articles *by issue content* and *by day of deliberation*. Adopting an agenda that covers the *financial issues* in the spring and the *ordinance issues* in the fall would split the content of Town Meeting. More concentrated effort on these areas would allow the citizens to better absorb the complexities that government now involves. The split would also shorten the time required in a given month for attending Town Meeting. The special Town Meeting held last year was well attended. After the meeting, many citizens commented that they wished all Town Meetings could be as focused and short. Often, attention to our several million dollar budget and its details is passed with expeditious speed. Citizens are keenly aware of the long list of articles yet to be determined. Also, Citizens are eager to not stay late into the evening.

Setting the deliberation day for each article is an improvement over the current dynamic scheduling. It provides an evening target for citizens that cannot attend all of Town Meeting but desire to be engaged in certain issues. Some of us argue that all issues are special and deserve all citizens' attention. In an ideal world this is true. However, our complex world requires too much from us. Some of us can spare time for those issues that only directly affect us. This compels us to adjust our schedules, to take advantage of our opportunity to voice our viewpoints, and to vote

on such issues. Making this time target more reliable and consistent would encourage greater participation in the process of Town Meeting. Scheduling issues on a definite day might help eliminate the sense of helplessness and disenfranchisement some citizens have expressed.

Giving more media coverage of the committee meeting and hearings that lead up to the Warrant Articles would also encourage greater engagement of citizens in this process. The **Media Coordination** document discusses this coverage.

FROM: Tana L. Plauger
398 Main Street
Concord, MA 01742

TO: Town Meeting Study Committee
RE: **Town Meeting Changes**
Date: December 1, 1995

MEDIA COORDINATION

Our ability to think with group perspective helps strengthen our community. Open Town Meeting enlarges each citizen's perspective by dedicating time to education about the issues and by allowing time for listening to all viewpoints. By debating and solving issues as a group, the Town Meeting develops consensus. The priority for time available for Town Meeting is an individual choice. However, the individual choices we make affect our community process. Modern technology does increase the possibility of accessing more information and encouraging interaction at public meetings by more citizens. Providing broader media coverage increases the citizen's choices about participation.

Many Concord citizens are leaders in high technology industries. Educating such citizens about the advantage of multi-media technology requires minimal effort. The schools are actively pursuing the incorporation of technology into educational curriculum and infrastructure. Our libraries are on-line and provide some services to the community. The parent-teacher organizations have stressed the importance of technology in education and their willingness to provide funds for such activities. Concord now has a Web Page. We have a radio station and Cable TV studio at the high school. These are core assets needed in presenting information in a multi-media way.

Essential to Town Meeting are informed citizens and provision for many points to access the consensus building process. Essential for effective use of the town's media assets are coordinated efforts. This coordination requires planning and implementation from a master plan. Concord needs to form a Media Coordination group or committee. This group would develop a plan for better coordination and use of the media outlets already available. This report should evaluate three media factors — the current media assets, the current utilization of these assets, and the goals and requirements of town government for presenting public information and stimulating interaction with the citizens. The group then would design a master plan for scheduling and providing the different media outlets required to meet this increased media coverage. The master plan should set minimum requirements of manpower, equipment, and facilities that are needed for maintaining the media schedule.

Already the town has addressed media technology in many areas, but the coordination efforts to enhance the use of these assets is sparse. Some of these areas are already undergoing change and implementation. One example is the Concord Web Page. This site is ideal for posting committee agendas, schedules, reports, and minutes. These central repositories of information would be useful to the public, members of committees, town staff, and elected officials. Another place is the town's efforts in changing the technology used for doing town business. Are these issues being addressed in this effort?

Another focus is the establishment of a central organization that brings consistency to scheduling personnel and equipment for radio and television coverage. Focus upon organizing this area could lead to immediate improvement of public access to all committees. The Town Meeting Study Committee has asked at least twice that events be covered by Cable TV, but coverage was not available. With consistent coverage of events, citizen could witness the actual process of governing within committees. The establishment of regular "call-in programs" (radio and TV) is another medium that would increase interaction between town officials and citizens. Mr. Jackson's report of York's experience in this area was very exciting to me. Perhaps the design of the school curriculum could require some coverage of community events through new media sources.

The location of the Media Coordination group and the effects on departments and committees included in this plan both need careful study. The Media Coordination group would not only improve access to Town Meeting but has the potential of increasing participation at all levels of government.

Improving the Town Meeting Process

George F. Sprott

December 3, 1995

The Current Process

Strengths

These are the strengths I see in Town Meeting as it currently exists:

- Motions can be fully debated by citizens, and they can be amended as part of this process.
- Information regarding the issues can be made available from all parties, including Town government, without the restrictions of State law.
- Motions are voted on by informed people, because they are the same people who participated in the debate. This is as well-informed a body of voters as one could hope to have. It is democracy in its most basic form.
- Town Meeting is an important tradition in Concord. Sixty percent of the survey respondents said that Town Meetings made them "proud to be from Concord".

Weaknesses

The following are weaknesses in the current Town Meeting process:

- The population of people attending Town Meeting is probably not exactly representative of the population at large. It is likely, for example, that Town Meeting attendees have more familiarity and interest in Town government than does the Town population at large. It is also likely that people frequently on the losing side of Town Meeting votes tend to drop out of the process and are not seen much at Town Meeting. As evidence of the disparity in these two populations, Concord's first levy limit override vote had substantially different results when taken at Town Meeting and at the polls.
- One must be present at the Town Meeting site to participate. Some citizens can't get to Town Meeting at all, and others have to overcome obstacles to be able to attend. These people are partially or wholly excluded from the process.
- Town Meeting is perceived by some to be not fair. In fact, twenty seven percent of the survey respondents said they were dissatisfied "with the fairness of the process used at the town meetings". One would hope that in any contest, both winners and losers would be able to say "the process was fair". In this case, there is a significantly high number of people, a quarter of the respondents, who don't say that.

Recommendations

Based on the observations given above, and on other information that has been presented to the committee, I would recommend the following changes to the Town Meeting process. Key phrases of many paragraphs are presented in bold font to make it easier to identify particular points at a glance.

Continue Town Meeting as the primary legislative venue

The basic process of meeting in one place, debating issues, amending motions, and then voting is too valuable a process to lose. It is an open process, to which anyone can come. If he is uninformed, he will become informed; he can present his point of view to others, and can then participate in the decision. I support keeping the physical assembly of Town Meeting and having Town decisions made by that assembly, except when escalated votes are required.

By continuing to vote at Town Meeting, we preserve the strengths that were listed earlier. The following three major sections contain recommendations that would address the weaknesses, in the order they were listed.

Escalate certain votes to the ballot box

There are some issues that come before the Town that have so much interest and are so controversial that a more representative vote is needed to decide them. Such an issue should be decided at the polls. The motion would go before Town Meeting, be debated, be amended as necessary, (perhaps given an advisory vote) and then put on a ballot and voted at the polls. The ballot vote would be delayed by whatever time is required by law or good practice between determination of the motion at Town Meeting and the actual vote.

Deciding which warrant articles go to ballot is clearly a critical issue, and is best left in the citizens' hands. If a citizen or citizen's group believes that a particular issue is appropriate for the polls, they can prepare a petition to that effect with a required minimum number of signatures. This number would be set so as to make it easy to get enough signatures when there is substantial interest in a ballot vote, but difficult to get enough when there is little interest. There is little need to put motions on the ballot that are not controversial enough to require a full Town vote; Town Meeting can handle these more expeditiously. Once the petition is accepted, that fact would be publicized so that there would be no uncertainty as to how the final vote would be taken, and all sides would be able to plan accordingly.

Once an issue goes to a ballot vote, we enter an environment in which information from Town committees cannot be distributed at Town expense. On the other hand, it is also a time when it is important for members of the electorate to get the information they need so that they can make an informed decision. Apart from newspaper articles, political mailings, and letters to the editor from both sides, a key source of information is the Town Meeting debate itself. The debate should be extracted from video tapes of Town Meeting and replayed frequently on cable and radio so that citizens can hear all of the arguments presented. Other debates, discussions, or analyses would also be beneficial. Participation of an organization like the League of Women Voters could be a big help here.

Improve Town Meeting Access

- **Have two Town Meetings per year** rather than one. Consider budget items in the Spring and non-budget items in the Fall. Hopefully we could divide the work so that a particular committee only has to prepare for one meeting a year, except in extraordinary circumstances.
- **Hold only one Town Meeting session a week.** This leaves room for other commitments in people's lives. If a person is out of town for the week, he or she need only miss one meeting. If one needs a baby sitter, it should be easier to get one if he/she weren't needed on consecutive evenings.
- **Adjourn Town Meeting earlier** so that people don't have to leave before the end. Many people have to get up early in the morning, some as early as 5 AM. An 11 PM adjournment makes it very difficult for them.
- **Make sure video coverage is of high quality, and cater to people who want to participate from home and just come for the vote.**
- **Schedule the votes to make selective attendance easier.**
- **Investigate and test voting by telephone.** To begin with, this could be limited to a few people who are in dire need of it, and later expanded if it proves successful. For example, if a person were disabled and couldn't get to the meeting at all, he or she could register ahead of time and vote during the meeting by calling in. Caller ID would be used to verify that the call was coming from the correct phone. At its simplest, this would require a few people manning phones to take the calls when they came in. In the future we could automate the process completely, much as is presumably done today with the real-time polling done in connection with some television events. With today's software and hardware, such an application is technically straightforward; it would be left to market demand to determine when it would be something the Town could afford.

Make Town Meeting Procedures Fairer

Concord has been fortunate to have excellent moderators who have been scrupulously fair in doing their job. Unfortunately, Town Meeting is under time pressure and the moderator has the task of moving the Town Meeting along. The methods we have adopted for this sometimes provide outcomes that can be seen as unfair in ways we are only now becoming aware of. These may account for some the impressions of unfairness described at the beginning. The Town Meeting would, in my opinion, benefit from some policy changes as outlined below. There is little cost to the following suggestions except that the meeting may take a little longer to complete. If there are additional meeting days, but meetings are improved, the added cost will be worth it.

- **Institutionalize the recent practice of providing equal time for opponents** at the opening of the presentation of an article. Make this available for all articles where there are opponents who wish to take advantage of it.
- **Discourage "Calling the Vote".** "Calling the Vote" prevents those who haven't spoken yet from being heard, and it prevents the Town Meeting from gaining additional information, such as a rebuttal of a point just made. Allowing enough time for everyone who wants to be heard doesn't really cost that much more time, and the moderator is quite capable of encouraging an orderly end to debate. In years past, "Calling the Vote" was looked down

upon as a parliamentary trick, and the meetings got along just fine without the use of it. Recently people have begun to use it, and I find that unfortunate. The Town moderator doesn't decide this policy and can't prevent it, but he does have the "pulpit", and he can find ways to discourage it if he has a mind to.

- **Abolish the test vote.** When a motion needs a two-thirds majority, a test vote is taken to see the sense of the meeting, and then if the vote passes by a large margin, a unanimous vote is expected for the final vote. How then does someone who is against the motion stand up and be counted?. The vote is recorded for all posterity as unanimous, when it may not even be close to unanimous. To me this is unfair. Not too long ago, I saw another method used which doesn't have this problem. In this, the Con votes are counted first, and then only a section of the meeting is counted for the Pro vote, enough to ensure the desired majority. This allows the vote to proceed quickly and the Con vote to become part of the record.

TOWN MEETING REFORM PROPOSAL

Carole Wayland 12/4/95

Last winter, a petition signed by 1264 citizens was submitted to the Board of Selectmen to place the following issue on the ballot at the March election as a non-binding public referendum: "In order to facilitate greater participation by registered voters on town warrant issues, voting should take place by ballot at the precinct polls on a designated day after the conclusion of the town meeting." The Selectmen had reservations about the proposal at that time, but agreed that periodic review of the process of open town meeting is appropriate. The Town Meeting Study Committee was subsequently appointed and was given a charge to explore ways to make Town Meeting more accessible and effective.

The traditional town meeting format worked admirably in 1635, when the state of technology demanded that people convene in one place to hear about local issues, when people didn't routinely travel far from Concord or work nights, and, since women did not yet have the right to vote, child care was not an issue. The idea of having one or two hundred people, virtually all of the town's citizens, gather to legislate by-laws and to decide how to spend the town budget, had economic and practical appeal.

Concord has changed radically since that time however, and the requirement of personal attendance in order to vote makes the cost of citizenship extremely high. Given our diversified work schedules and other community and family commitments, we should not be surprised that attendance at town meeting has dwindled to about 5% of the electorate. The majority of people who do attend are over the age of 45, who no longer have small children at home and who do not work nights or travel frequently.

The question is whether we accept this state of affairs, say simply that those who really want to participate have the option to do so, and continue with the present format, (ignoring the reality that major issues in town are being decided by a tiny minority of unelected citizen-legislators), or whether we take a fresh look at the process to determine if it could be improved, in light of twentieth century life-styles.

I believe that the 17th century model simply does not meet the basic requirement of a true democracy; no matter how we tinker with the dates and times for which town meeting is scheduled, a significant quorum can not be assembled. Many citizens and taxpayers are actively precluded from exercising their right to vote, and because of the cumbersome format, many more are disengaged from the entire process, yet nearly 80% of the survey respondents said that issues decided at town meeting significantly affect them, and 68% are not content to let others make the decisions.

Advances in technology have made it unnecessary for citizens to meet in one place at one time to receive information about the issues, and town meeting is not the primary source of information, even for regular attendees. Reaching decisions as a community is a worthy ideal, but a consensus of the several hundred people who have the time and inclination to attend town meeting does not translate to a consensus of the town.

I think it is clear that the best way to address the question of accessibility is to separate the voting portion of town meeting from the deliberative session. This is the only way to make certain that everyone who wishes to register a vote on town warrant issues is able to do so. Nearly 1000 respondents to the survey indicated that they would like to be more involved in town government, and from last year's petition effort, we know that at least 1200 people are very interested in the idea of voting on town issues by secret ballot.

Therefore, I propose the following change: a voting by-law should be drafted which states that voting on town warrant issues will occur at a special voting session, which will take place at the conclusion of the deliberative session either at the precinct polls or at a central location. The purpose of the deliberative session would be, as always, to move the warrant articles, to provide a forum for amendments, and to provide for public debate on the issues. At the conclusion of debate, when the question is called, the motion would be certified for the ballot, and then the next article would be taken up. If necessary because of the number of warrant issues, they could be taken up in two different sessions, one in the spring for budget issues, and one in the fall for land transfers, ordinances, and zoning matters.

This by-law could be adopted without any change in state law, since the voting would take place at an extended session of town meeting and therefore would not be a fundamental change in the form of town government. Towns have the authority to adopt their own procedures for town meeting (MGL Ch. 39, Sec. 15.) The only qualification to this section is the fact that, as certain topics require a 2/3 majority, the moderator needs to take care that the count is accurately taken and recorded. The use of voting machines meets this requirement more efficiently than the standing vote count. The committee should recommend that the Board of Selectmen file such a proposed voting by-law for inclusion in the warrant for the 1996 town meeting.

Because this change would have a significant impact on the town's citizens, I would also like to see the idea put on the March ballot as a non-binding referendum, rather than simply submitted at the next town meeting. As many people as possible should be able to vote on this proposal, and consideration solely at town meeting, where attendance is typically only about 5% of Concord's registered voters, would not be appropriate. If a majority of the voters indicate that they would like to have voting by ballot, then the by-law could be voted on at the 1996 town meeting, to be implemented in 1997 or 1998, as soon as the new voting machines are purchased. If the proposal is not supported at the polls, efforts could be redirected towards better management of town meeting under its current format. Key among these changes would be specific scheduling of votes by night and hour, if possible.

Suggestions for Town Meeting
December 4, 1995
by Deena Whitfield
Draft

Background

After taking into account the information obtained at the various hearings, in our research and readings, and from the results of the survey I have two strong objectives that I would like any plan to address:

- the pride citizens have in the town-meeting and the desire to maintain this form of government, albeit in some modified form
- the frustration of citizens who are unable to participate and wish to do so.

Unfortunately it may be possible to optimize one only at the expense of the other. Therefore, while I am not ready to lose town meeting (which I am confident will happen) in the move to ballotize the entire process, I am also open to the idea of moving some issues to the ballot if an efficient procedure can be established (and I am confident that it can).

Suggestions

1. streamline of consent calendar if possible
2. End meetings promptly at 10:00
3. Provide lists of baby-sitters (give community service hours to high school students who do baby sit)
4. Van pick up for the elderly (much as is done for elections)
5. Work a deal with the cable to get better penetration of community cable to citizens and better quality of production for citizens.
6. Boost committee meetings with more interaction with citizens either through give and take before and after meetings and/or through call in opportunities.
7. Provide mechanism for taking issues to the ballot. I like Jerry's suggestion of the 60/40 rule in which issues decided with a smaller margin automatically go to the ballot. This allows town committees to distribute information with town moneys (prior to moving an issue to the ballot)

which would not be permissible under existing Campaign Finance Law. This would also permit the centralized discussion of the issue that can easily be circumvented when issues go directly to the ballot. It also allows for amendments which are an important part of citizen input. Deciding what gets voted on is sometimes more important than how it is voted. Finally, I think it is in the best interest of the town that very close issues, in particular, are decided by the greatest number of citizens. The down side of this proposal is that you still have to be at town meeting for that first vote.

12/2/95

TO: Members of the Town Meeting Study Committee
FROM: Carrie Flood *Carrie*
SUBJECT: Comments on Process

Due to scheduled surgery, I will be unable to attend your meeting of December 7th, and may miss your following session as well. Not wanting to inappropriately limit the scope of your discussions, I have avoided relating my personal opinions on the subject of your work. As you enter the prescriptive phase, however, I would like to offer a few comments and words of advice, which I will do via this letter. Please keep in mind, that what follows are my own thoughts and do not necessarily reflect the views of the Board of Selectmen. Although members have been kept generally apprised of your work and have attended some of your meetings, the Board has not formed any position on matters under your consideration. I also want to assure you that, as your liaison, I will represent whatever recommendations result from your work to the Board of Selectmen, when the time comes to do so. I will be available by phone during the time I am unable to attend your meeting(s). Please do not hesitate to call.

As the Committee has recognized, the steps that would be necessary to adopt and implement your recommendations may vary depending on the nature of the changes you suggest. Based on your discussion to date, it seems likely that there will actually be a package of actions recommended, elements of which might require different levels of approval--from simple concurrence of the Selectmen and/or Moderator, through a vote of Town Meeting and/or ballot election, all the way to action of the state legislature, either in approving a home rule petition, or by passing enabling legislation that could then be adopted by Concord and other Massachusetts communities. (The latter is especially intriguing to think about, but not knowing where you all will end up, I can't tell yet what it might be.)

Your charge has been to: explore options to provide increased opportunity for citizens to participate in resolution of questions that town meetings are authorized to decide and to enhance effectiveness of the process. I may be hearing what I wish to hear in your discussion, but I believe you all want to preserve or improve on the quality of the deliberative portion of the current process, and then open the voting to as many citizens as is reasonably achievable

among those who wish to take part. It is the second part where the most interesting and varied possibilities arise.

If I've got it right, the general model would suggest that your own recommendations might take the same path, i.e.. define the scope of proposed changes in one or more articles on the warrant, refine these via discussion at committee meetings and formal hearings, then present the questions for debate and possible amendment at Town Meeting. Then, if it seems right based on the actual questions posed, take them to a vote of the Town at a ballot election following Town Meeting. Although one final recommendation *may* involve arranging such votes in the future so that they remain part of town meeting by definition, this option may not exist until it is itself acted upon in a way that is already available. (Perhaps an appropriate vote at Town Meeting would be to refer the matter to a ballot?) It also seems entirely possible that certain of the votes might be advisory in nature, while others might be binding, albeit subject to review and/or action at the state level.

While a recent letter published in the Concord Journal has reminded us that a citizen petition might seek a very specific question on the ballot for the town election in March, I would urge you not to pace your own work on this basis. If that happens, the Selectmen will take the appropriate action. The Selectmen will also take appropriate action, if the progress of your own work leads you to recommend a question or questions on the March ballot, my thoughts notwithstanding. Your efforts should ultimately be guided by your own thinking within the provisions of the charge issued last spring.