

**Electronic Voting Implementation Subcommittee (“ELVIS”)  
Minutes of the Meeting of 2020-12-22**

The **bold** items below are meeting agenda items.

**Call to order:** Chairman Dave Bernstein called the meeting to order at 7:32 pm. This meeting was held via Zoom teleconferencing. The other committee members attending were Lynne Dunbrack, Larry Krakauer, and Don Schuler. Alan Reiss joined late in the meeting, at the point noted below. Also attending: Wayland Moderator Dennis Berry, Town Clerk Anna Ludwig, Wayland Selectmen Tom Fay and Dave Watkins, and Anette Lewis. The meeting was broadcast live on WayCam.

**Appoint Secretary pro tem:** Larry Krakauer was appointed secretary pro tem.

**Invite public comment:** None appeared at this point. However, since only a small number of people were in attendance outside of the committee members, Chairman Dave Bernstein allowed all attendees to fully participate in the discussion, as opposed to non-committee members only being recognized during the “public comment” portions of the meeting.

**Approve Minutes from our 2019-12-12 meeting:** Moved (Lynn), Seconded (Don Schuler), passed 4-0 (unanimously): *Approve the December 12, 2019 minutes.*

**Discuss Remote Participation in Town Meeting:** Dave Bernstein gave a quick summary of the history of this issue, including the 3 agenda items below. What has changed: Voatz, a company we interviewed, thought they had a way to prevent proxy voting: basic “liveness detection”. An MIT paper analyzed Voatz, and found that facial recognition technology has advanced substantially since our initial investigations.

Dennis Berry mentioned the report of the Massachusetts Moderator’s Committee, which was discussed in the 12/12/19 meeting. He noted that our goal is “Remote Participation”, not just “Remote Voting”. Voters should be verified *has* having *participated* in the debate, they should not just log in to vote.

Dave Bernstein: this will have to be reflected in the technology used.

**Petitioning the Massachusetts Legislature to legalize remote participation in Open Town Meeting and to make proxy voting a misdemeanor**

The Board of Selectmen intends to review an Article, to be brought up at Town Meeting. They’ve authorized the Town Administrator to consult on this issue with the Town Counsel.

Dennis Berry: COVID has made the Legislature more open to remote participation – it’s now legal in Representative Town Meetings. Senator Rausch is aware of this issue.

**Deterring proxy voting by remote participants**

Dave Bernstein: Voatz, with a Jumio system using the FaceTec engine, is now able to form a three-dimensional model of someone’s head, by zooming in with an ordinary cellphone camera.

The National Institute of Standards and Technology (NIST) has jumped into this, and is evaluating facial recognition technology, and setting standards for it. They think this is now a mature technology – it can even tell identical twins apart, and the error rate is very small. It works best with a cellphone or tablet camera. It’s not as easy with a desktop or laptop with a fixed camera. Systems can verify identities using public documents such as driver’s licenses.

Some issues: If one or two people fail to authenticate, how do we provide help? Do we require each person to have his/her own device? Can a couple share a device? There may be privacy concerns if we are storing biometric data.

We could ID people at the start, and randomly challenge people to re-authenticate.

Dave Bernstein also mentioned the possibility of doing authentication with human checkers, as opposed to automated facial recognition.

Tom Fay: We could require people to sign up in advance. We don't have to guarantee everyone remote access – if people have technology issues, they can always come down to the Field House. Is this an app?

Dave Bernstein: No, it's not an app, we want this to be done via a web page. We may need to have some restrictions when we begin the project. FaceTec has a demo you can try on your phone.

Dennis Berry: Coming to the Town Meeting in person is always a backup – I wouldn't stop the Town Meeting for a power outage in North Wayland, for example.

Lynne Dunbrack: There would have to be a public education campaign. Note that facial recognition has some negative connotations at the moment.

Dave Bernstein: Agreed – we'll need open forums, newspaper articles, and other media.

Larry Krakauer: We'll need to separate the idea of *facial recognition* from the idea of *surveillance*.

Anette Lewis: How do we know that someone voting is the same person who checked in?

Dave Bernstein: We'd require people to randomly re-authenticate.

Anette Lewis: Town Meeting started as a business meeting that included an election. We then separated the election. But I still think we can view the Town Meeting and the election as two parts of the same process, and there are already legal penalties for election fraud. Legislation should refer to those penalties and to that statute.

Anette Lewis: What would the cost be?

Dave Bernstein: The vendors deal with different situations than ours; their cost model is different (but they've all said they'd work with us). We could pass the cost on to the remote user.

Anette Lewis: If you view the Town Meeting as part of the election, that's sort of a poll tax. There was some discussion of this point.

Tom Fay: The day might come when this technology could replace the current method of electronic voting at Town Meeting.

Dennis Berry: People will ask about cost if we bring this to Town Meeting in May, and we may need to be prepared to discuss it.

Dave Bernstein: The general range is around \$1 per authentication. We can't predict accurately at this point, but that seems to be a good range.

Anette Lewis: There might be, for example, handicapped people who can't get to Town Meeting and can't afford it.

### **Conveying votes securely over the internet**

Anna Ludwig: People were concerned in the last general election as to whether their vote counted - they seemed more concerned with that than with fraud.

--- Note: Alan Reiss joined the meeting at this point, around 8:14pm.

Dave Bernstein discussed the audit mechanism used in our current voting process. He then discussed an audit mechanism proposed for remote voting, which calls for publically posting votes by secret code, without identifying the voters by name. This could be either done for everyone, or only for a sub-group of trained auditors. Jon Sieber, not present at this meeting, but who is very sensitive to security issues, has approved of this method. We might have to face the possibility of someone complaining about erroneous voting when there weren't actually errors.

Dave Bernstein: We could also publically make available, in the open, the names of those who are participating remotely.

Anette Lewis: Do you have to be local to participate? Dave Bernstein: No.

Dave Bernstein also mentioned that the WayCam broadcast has a delay – it's about a 10-seconds.

Dennis Berry: Remote voting can't delay the Town Meeting significantly.

Dave Bernstein: That might imply that one device per voter would be required (voters sharing a device would add significant delay).

Dave Bernstein has been staying in touch with Mark Fite, of OTI (Option Technologies, Incorporated), our current electronic voting vendor. Mark is quite interested in the possibility of remote participation. He already has an OTI "Evoter" application built. Dave discussed the issues that need to be resolved for remote participation – requesting to speak, getting recognized, speaking, dealing with problems, etc. Mark Fite thinks that manual facial recognition and the use of remote auditors don't scale.

Dave Bernstein: before we engage with Mark Fite in a more formal way, we'd like this committee to be comfortable about going ahead, followed by the full Board of Selectmen. Is this committee comfortable with proceeding? Dave polled the meeting:

Dennis Berry: Yes. This is what people have asked for many times.

Alan: We've been electronic voting at Town Meeting since 2010, so people are open to progress. I think the cost may be the major objection.

Anna Ludwig: No objection, but have concerns about people who might find this difficult and are thus required to attend in person.

Lynne Dunbrack: No objection to going ahead.

Don Schuler: No objection

Larry Krakauer: No objection. Technology tends to overcome difficulties, and costs tend to come down. We need to present restrictions as "initial restrictions".

Tom Fay: Anna Ludwig's comment is essentially an issue of discrimination, in a broad sense.

Dave Watkins: This is in line with the cost of electronic voting.

Anette Lewis: Proceed, but this proposal might not go far in the legislature until the technical details are better worked out.

**Invite public comment:** No additional public comment at this point.

**Adjourn:** Dave Bernstein declared the meeting adjourned at 8:43pm.