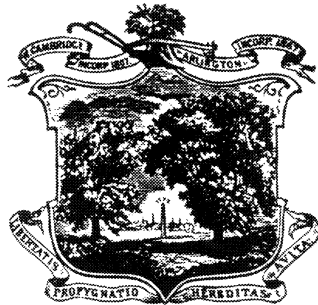


TOWN OF ARLINGTON
MASSACHUSETTS

REPORT OF THE

**TOWN MEETING ELECTRONIC VOTING
STUDY COMMITTEE**



TO THE
ANNUAL TOWN MEETING
APRIL 2013

Electronic Voting Study Committee

Report to Annual Town Meeting 2013

Introduction

Electronic voting in town meetings produces an accurate, instant vote count and a record of how each member voted. Results from an electronic vote may be immediately displayed and may be easily published online for public review.

The representative town meetings in Brookline, Framingham, Chelmsford, and Billerica use electronic voting. Lexington voted in March 2013 to adopt it for its next town meeting. Wayland uses electronic voting for open town meeting, with hundreds of people voting.

This report considers the question, “Should Arlington Town Meeting adopt electronic voting?” and contains our findings and recommendations.

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Summary of Recommendations

Amend the Town Bylaws to permit, but not require, the use of an electronic tally and display device for voting in Town Meeting, subject to policies and procedures determined in the bylaws and by the Town Moderator.

Appropriate funds to rent an electronic tally and display system for use at Town Meeting in FY2014, and begin budgeting to purchase a system for subsequent years. (The Finance Committee is recommending an appropriation of \$10,000 to cover a rental for some sessions at Annual Town Meeting 2014).

Summary of Conclusions

Electronic voting in Town Meeting would:

Increase accountability to constituents by creating a record of votes of individual Town Meeting members.

Improve voting methods by providing greater accuracy, preventing unauthorized voting, and allowing faster roll-call votes.

Introduce potential concerns about ease of use, security, and illegal proxy voting. However, Town Meeting can take steps to meet these concerns.

Incur financial costs and operating burdens that are reasonable and worth the potential benefits, in the view of the Committee. Town Meeting, however, must ultimately make this determination.

Employ technologies that provide sufficient security and operating features to ensure the integrity of the vote and ease of use.

Summary of the Committee's Work

The committee convened 14 times from September 2012 through April 2013. We addressed the following major questions:

- Is available technology feasible— secure, reliable, and easy to use?
- What does it cost to obtain and operate?
- What are the potential benefits and potential concerns?
- Should Arlington Town Meeting adopt electronic voting, and what would be the best way to implement it, if so?

To address these questions, we:

- Visited Framingham and Brookline Town Meetings to observe their electronic voting;
- Studied video of other Massachusetts Town Meetings using electronic voting;
- Consulted officials, and studied relevant reports and bylaws from the other towns;
- Interviewed key Town of Arlington officials and personnel;
- Issued a Request for Information (RFI) to obtain technology functionality, security, and pricing information from vendors;
- Explored benefits and costs for various methods of using electronic voting in Arlington's Town Meeting, and considered potential bylaw changes to permit it.

Consultations

The Committee consulted the Town Clerk, Chief Technology Director, and Town Manager to discuss the implications of electronic voting in Town Meeting. All parties indicated confidence in their ability to support electronic voting based on the information currently known. We met with the Town Meeting Procedures Committee and incorporated its feedback into our recommendations. We incorporated feedback from Town Counsel into the wording of our proposed bylaw amendments.

Electronic Voting Study Committee

Arlington Town Meeting created the Electronic Voting Study Committee at the 2012 Annual Town Meeting, to study and make recommendations on the use of this technology for Town Meeting.

The committee comprises both Town Meeting members and community members who are technology professionals: Town Moderator John Leone, Eric Helmuth (Chair), Adam Auster (Secretary), Ray Charbonneau, Liz Patton, Steve Storch, and Wes Beal. Alan Jones is a non-voting member.

Recommendations

As a result of our study, the Committee voted to submit warrant articles for bylaw amendments and appropriations that would enable electronic voting. The Board of Selectmen, Finance Committee and Town Meeting Procedures Committee have voted favorable action on these articles; please see their respective reports to Town Meeting for details.

How Electronic Voting Works

Overview

The electronic-voting systems on the market for small legislative bodies are secure, upgraded versions of audience-response systems common in educational and professional-meeting settings. These systems use wireless, TV-remote style handsets to transmit each person's vote to a central computer for tabulation and display. Versions sold for legislative use have additional features.

Voting

Each town Meeting member is issued a wireless handset with a unique ID number. When the Moderator announces that voting is open, each member votes by pressing buttons on his or her handset during the timed voting period, and the signals are securely transmitted via radio frequency to a receiver connected to a voting computer. The voting computer transmits a confirmation of the vote received back to the handset for visual confirmation of the vote. (See "Benefits and Concerns" for a discussion of security.)

Tabulation, Display, and Publishing

The voting computer contains a database of town meeting members and the unique ID of each member's handset, and software to prepare and record the votes. The computer is connected to the projection system in the hall and the cable TV video feed, to display the text of the vote at hand and the subsequent voting results. The total time to prepare, launch and tabulate an electronic vote can be as little as one minute, with additional results display time (one to two minutes) if the votes of each Member votes are displayed. If a handset device fails, it can quickly and securely be replaced with a new device. Required vote margins for a simple or $\frac{2}{3}$ majority are automatically tabulated. The computer exports voting results to a standard document format that may easily be published on the town's website.

Procedural Options

Depending on which voting system is selected and which system options are selected, various ways to use electronic voting may be chosen to suit the preference of Town Meeting. For example, voting results may be displayed onscreen as a simple counted tabulation, or as a full report of the individual votes for each Member. It is also possible to choose whether these voting results (in either format) are displayed as they come in during the open voting period, or only after the voting period expires.

See electronic voting in use in other Town Meetings:

<http://votevideos.wordpress.com>

Each of these variations is used across different Massachusetts town meetings that have adopted electronic voting, as can be seen at <http://votevideos.wordpress.com>. This website features excerpted cable access TV video, with explanatory notes.

Management of Handsets

In the practice of other towns now using these systems, voting handsets are distributed to Town Meeting Members immediately after they check in with the Town Clerk's staff. In our observations at Brookline and Framingham Town Meetings, handset check-in was rapid and did not cause backups at the door. Handsets are collected each night when members leave; most towns provide bins for rapid mass return and the remotes are later checked in, tested, and re-filed before the next session. Some towns use volunteers to distribute handsets at the beginning and check them back in at the end. All towns use paid personnel, either a town employee or a contractor, to operate the voting computer.

Benefits and Concerns of Electronic Voting

As with the adoption of any new technology, the implementation of electronic voting in Arlington Town Meeting would offer benefits relative to current practice, while introducing some new concerns.

Benefits

A properly implemented electronic voting system can deliver tangible benefits to Town Meeting, primarily in increasing public information about Town Meeting proceedings, but also in the efficiency and accuracy of voting. These benefits would increase the accountability of Town Meeting members to the citizens they represent, and may enhance the public's confidence and interest in Town Meeting.

Increased Accountability to the Public

The greatest benefit of electronic voting to a representative town meeting is the opportunity to quickly record and publish how individual members voted. Currently, a member-by-member voting record is available only with a time-consuming voice roll call, which is very uncommon. As a result, constituents rarely know how their elected representatives vote. An electronic voting system would allow Town Meeting to take and publish individually recorded votes with the required accuracy but in dramatically less time.

It is up to Town Meeting and the Moderator to determine which votes would be taken this way, but recording and publishing more individual votes, especially on the substantive motions, would substantially increase transparency and accountability in the Town's democratic process, further elevating Town Meeting as a representative legislative body. This change may also encourage Member attendance at Town Meeting, since the presence (or absence) of a Member will be evidenced by the presence (or absence) of a vote from that Member.

Additionally, public access to town-meeting-member voting records for all substantive votes would provide a better-rounded view of a Member's record than is available with our current practice, where constituent awareness of their Members' votes is often limited to the most controversial issues. To the Committee's knowledge, all Massachusetts town meetings now

using electronic voting routinely publish individual vote reports to the town website, and they report widespread acceptance of this practice by Town Meeting Members and by the community at large.

Improvements in Counted Votes

Using electronic voting in place of standing votes provides for a higher degree of accuracy than current practice. Electronic voting is at least as quick as a standing vote and can be faster, depending on how it is implemented. Additionally, Town Meeting could use electronic voting to take more counted votes in place of voice voting without sacrificing significant meeting time.

Protection Against Unauthorized Voting

Because electronic voting systems employ uniquely identified handsets to enter votes, they greatly reduce the potential for inadvertent or intentional votes made by unauthorized individuals, such as non-members who are improperly inside the enclosure on a standing vote, or who contribute to voice votes from the gallery.

Concerns

The Committee addressed the major concerns that are likely to arise when considering the adoption of an electronic voting system for Town Meeting. Where applicable, mitigation approaches for the concerns are discussed. However, Town Meeting must ultimately determine whether the benefits of electronic voting enumerated above outweigh these concerns.

Integrity of the Vote

One of the most significant concerns is whether a selected electronic voting system will provide accurate tallies. Electronic voting systems ensure the integrity of wirelessly collected votes by a number of means, including:

- *Wireless transmission mechanisms* that are designed to continue to provide robust communication in the presence of inadvertent or intended (malicious) radio frequency (RF) interference.
- *Transmission ranges* that are suitable for the size of the meeting hall, ensuring that all transmitted votes will reach the receiver associated with the vote tallying computer system.
- *Authentication*: Linkage of uniquely-formatted voting data transmissions to unique handset devices that are assigned to specific Town Meeting Members, and which are distributed and collected in a controlled manner.
- *Positive real-time feedback* to the handset user acknowledging that a keyed-in yes, no, or abstain vote has been received by the system.
- *Public onscreen display* of voting results, enabling each Town Meeting Member to further confirm the accuracy of his/her own vote.
- *Procedures* put in place to address incorrectly recorded or missed votes detected as a result of onscreen review, or originating from a failed handset.

Fraud

Of equal concern is whether electronic voting systems open up avenues for fraudulent voting that make them significantly easier to abuse than current non-electronic voting procedures.

The Committee considered the following specific concerns:

- *Use of unauthorized devices:* The handsets used by electronic voting systems are typically commercial off-the-shelf items available for public purchase. However, linkage of specific handsets to specific Town Meeting Members (described above), along with handset distribution controls, effectively prevents potential misuse.
- *Multiple voting:* The electronic voting system is designed to record only one vote per member during each time-limited open voting window, which is generally the last yes, no, or abstain vote entered on a member's handset before the window closes. Thus, a member can change his or her vote during the voting window (typically to correct for an initial mis-keying), and only the final corrected vote will be posted.
- *Proxy voting:* Electronic voting systems do not provide direct technical safeguards against proxy voting—a situation where a handset properly registered and checked out to a particular Town Meeting Member might be provided to another person for voting. Proxy voting is not allowed at Town Meeting.

The Committee recommends deterring proxy voting by public scrutiny. The bylaw we recommend provides for the automatic display of individual Member voting data for all close electronic votes.

It may also be apparent to others in the hall when an individual is using more than one TV-remote style device to vote in such an unauthorized manner. Any such activity would be reported to the Moderator (as, for example, the presence of non-Members within the enclosure would be reported now).

Ease of Use

Adoption of a new voting method risks some initial confusion about use of the technology and related procedural changes. To successfully address this challenge, other towns have conducted training sessions for town-meeting members, created an instructional video on system use, and run test votes prior to a meeting's actual votes. The Committee anticipates employing similar strategies for Arlington Town Meeting should electronic voting be adopted. Each of the other town meetings currently using electronic voting reported rapid, widespread acceptance of the systems by their members. At both Framingham and Brookline Town Meetings, our committee members observed uncomplicated use of electronic voting devices by their more than 200 members.

Accessibility for People with Disabilities

Appropriate accommodation would be made for any Town Meeting members with physical disabilities that impeded use of an electronic voting handset or review of voting result screens. The specific accommodation required would depend on the needs of the individual. Other towns using e-voting in Town Meeting have adopted policies to assign an official aide to individuals requiring assistance in using e-voting equipment, such as telling the voter which button has been

pushed, reading out the handset's visual feedback, and reading the Member's vote when it is displayed in the hall. If Town Meeting votes to adopt electronic voting, the Committee will consult the Town of Arlington Commission on Disability to assist in evaluating voting equipment and to recommend appropriate accommodation policies to the Moderator.

System Failures

A deployed electronic voting system, like any other computer-based technology, can fail at a critical time. While outages should be very rare, the proposed bylaw amendments fully permit use of the same non-electronic voting methods in use today, in the event of a technical problem.

Vendor and Technology Investigation

Our inquiry into specific electronic voting systems on the market was limited to establishing the feasibility and cost of these products. The Committee determined that recommending a specific vendor at this stage would be premature; should Town Meeting vote to authorize and fund electronic voting, the Town IT Department and Town Manager's office, in consultation with the Clerk, Moderator, and this committee, will perform a robust vendor evaluation and procurement process.

Our investigation focused on security, desired operating features, reliability, technical compatibilities, cost, and the general parameters for purchasing or leasing a system. To determine that adequate systems are available, we took the following steps:

- Observed electronic voting in action in other local communities having representative town meetings, and spoke with Town Meeting or town officials about their experience with the systems.
- Studied reports from electronic voting study and vendor selection committees from other town meetings in Massachusetts, most of whom spent several years evaluating the technology.
- Issued a detailed Request for Information (RFI) to ascertain operating features, security measures, and costs for currently available technologies. We received RFI responses from the two vendors who have sold or leased electronic voting systems to other town meetings in Massachusetts. The RFI document and detailed vendor responses are available on the Electronic Voting Study Committee web page found at www.arlingtonma.gov/boards.

Based on this investigation, the Committee concludes that the available technologies are secure, reliable, and have the necessary features for effective use in Town Meeting voting.

Financial Costs

Procuring and operating an electronic voting system will require a financial investment by the town, with both up-front and recurring costs. Electronic voting systems currently on the market are available for purchase or rental.

Purchase

Buying the most expensive system, which has the most robust voting confirmation and display options, would cost approximately \$29,000 at current pricing. Town IT personnel would operate and maintain the equipment. Projected annual operating cost is about \$2,500, primarily for personnel time, handset batteries, and software support/upgrades.

Rental

Rental of the same system would cost about \$1,300 per night. The agreement includes vendor-supplied personnel to operate and maintain the equipment. Annual operating costs would be less than \$1,000.

Under either scenario, it is likely that we would use a small group of volunteers to distribute and collect the handsets, as is done in most of the other towns now using electronic voting.

Committee Recommendations

The Committee unanimously supports adopting electronic voting in Arlington's representative Town Meeting. Based on our study, we believe the benefit of greater accountability and transparency to constituents is well worth the modest costs, and that the risks are manageable.

Amend the Bylaws to Permit Electronic Voting

The Committee's recommended bylaw amendment (Appendix B) has been adopted in total by the Board of Selectmen as the main motion for Article 12. The recommended changes would permit but not require the use of electronic voting equipment in Town Meeting. *The abiding intent is to fit electronic voting into current procedures, preserving as much as possible how Town Meeting now votes.*

The proposed bylaw amendment:

- Permits the use of electronic voting equipment for all votes.
- Allows all current, non-electronic voting procedures (voice vote, standing count, and voice roll call) to be used at the Moderator's discretion or if electronic voting equipment fails. This allows the Moderator, for example, to continue using a quick voice vote for routine procedural motions.
- Continues to provide that 30 town meeting members who rise may require a roll call (which may be taken electronically) on any motion.
- Permits a prior electronic vote on the question, if taken, to be officially recorded as the roll call using the individual votes previously recorded.
- Requires that all votes taken electronically record the individual vote of each Town Meeting Member, and that these results are made available to the public, whether or not the individual votes are displayed in the meeting or are part of an official roll call vote.
- Otherwise leaves discretion to the Moderator to set and adjust operating procedures for votes taken with electronic equipment.

Appropriate Funds for Electronic Voting Equipment

Article 42 would appropriate funds for electronic voting equipment. At this time, the Committee believes that purchasing an electronic voting system is likely the best long-term solution for Arlington, because it would probably cost less overall with town IT personnel managing and operating the equipment. Should Town Meeting vote to authorize and fund electronic voting, the Town will rigorously re-evaluate the total cost of ownership and other considerations in evaluating purchase and rental alternatives.

However, the Committee supports the recommendation of the Finance Committee to initially appropriate funds for renting a system, contingent on Town Meeting's authorization of electronic voting under Article 12. This would permit the soonest possible adoption of electronic voting, since purchasing a system must fall under the town's multiyear capital budget planning process. It would also permit Town Meeting to try out electronic voting before making the larger investment of a purchase.

Finance Committee has recommended a FY2014 appropriation of \$10,000 (contingent on positive action on Article 12) to rent electronic voting equipment for as many nights of Annual Town Meeting 2014 as the amount will fund—probably about seven sessions.

Appendices

A. Questions and Answers

B. Proposed Bylaw Amendments

Questions & Answers About Electronic Voting at Town Meeting

Why does the Town Meeting Electronic Voting Study Committee recommend using an electronic-voting system to count votes at Town Meeting? Is the current system flawed?

The Committee feels such a system would provide greater accountability and communication to Arlington residents in the form of a record of votes at Town Meeting. That, rather than time savings, is the principal benefit. The Committee emphatically does not believe the way we have been doing business for a hundred years is broken. Rather, we feel that this technology can fulfill even better the democratic promise of the Town Meeting form of government.

Wouldn't electronic voting also save time?

It might, depending on how it is used. However, the operation of the system is not instantaneous. Except for roll-call votes, which take up to 40 minutes under the current system, voting will probably take roughly the same amount of time.

How would Town Meeting members vote electronically?

Members would be issued a voting handset, like a TV remote, which they check in and return each night. They would vote by pressing "yes," "no," or a third button corresponding to "abstain" or "present."

Each handset would be numbered and assigned to the member who checked it out. Members would return the handsets as they leave the meeting for the night.

What forms would electronic voting take?

The proposed bylaw provides for an *electronic tally*, which produces a yes-no count and is analogous to the standing vote, and an *electronic roll-call*, which produces a member-by-member list of yes, no, and abstain votes analogous to the traditional roll call.

The proposal would preserve the current rules that give five members the right to rise and doubt the result of a voice vote, and thirty members the right to rise and request a roll-call vote. The proposal also creates a new option, which is to allow (but not require) an electronic tally in the first instance, in lieu of a voice vote.

Who would decide when to use electronic voting?

The Town Moderator.

Why wouldn't the Moderator always use the system?

The Moderator might use a voice vote for routine procedural motions to save time, or because of problems operating the system on any particular night.

What are the differences, as proposed, between the electronic tally and the electronic roll call?

The tally produces an aggregate count of yes and no votes, which may become part of the official record of the meeting. The roll call produces a member-by-member roll call, which will always become part of the official record.

Roll-call votes are also subject to review and correction by members before the vote is final. This would probably take the form of displaying voting results on screen for members to check accuracy.

All votes, however, would produce a member-by-member voting record, like a roll call, that the Town would make available to the public even if not part of the official record.

Are there other benefits of electronic voting?

Yes. Electronic voting eliminates or mitigates several possible sources of fraud or error, such as nonmembers sitting in the enclosure and voting. Only handset votes would be counted.

Are there any disadvantages of electronic voting?

The primary disadvantage is the cost of leasing or owning and operating the system. Also, the practice of voting using remote handsets introduces the possibility of a new kind of fraud, in the form of illegal proxy voting (e.g. a member gives their handset to another member to illicitly delegate their vote). The Committee has proposed a measure to discourage proxy voting.

Generally, the Committee finds that electronic voting is likely to be more accurate than the voting methods we currently enjoy. Unauthorized voting is not unknown at Town Meeting today when nonmembers enter the enclosure or add their voices to voice votes. Electronic voting avoids the opportunities for these errors.

What about computerized fraud, in which electronic data are deliberately intercepted or altered?

The electronic voting systems in use today are very secure from manipulation. They use dedicated wireless handsets that interact directly with the system, not an internet connection. Data are encrypted, and handsets are assigned to individual voters with each handset accounted for. The bylaw changes recommended by the Committee also provide for review and correction of all formal roll-call votes (invoked by 30 members) and of all close votes that are conducted electronically.

Why is this year's proposal to rent a system next year, rather than to buy one?

The Finance Committee has recommended an appropriation of up to \$10,000 for electronic voting next year. This would probably cover about 7 nights.

Purchase might be an option for 2015, after review by the Capital Planning Committee and a further appropriation by the 2014 Annual Town Meeting. The capital-planning process spans several years so it was not possible to include such an appropriation in this year's capital budget.

Who will decide which system to rent or purchase, if Town Meeting approves the bylaw and the appropriation?

The Town will bid the rental or purchase through its standard procurement process. The Town Manager will award the contract. The Committee has already developed a Request for Information describing many anticipated requirements for a system, which may form the basis for a Request for Proposals.

How much will it cost?

As detailed in our report, a staffed rental would cost about \$1,300 per night; purchasing a likely system would cost about \$29,000; and annual operating costs would range from \$1,000 to \$2,500

Is this worth the expense?

That's the question for Town Meeting. It's hard to put a price tag on democracy.

Town of Arlington, Massachusetts

Arlington Town Meeting — Recommended Vote Of the Electronic Voting Study Committee

ARTICLE NO.12

BYLAW AMENDMENT/ TOWN MEETING ELECTRONIC VOTING

VOTED: That Title I- General Government, Article 1: Town Meetings, Section 10. Procedural Rules, C. Votes: (Art. 13, Atm – 04/29/92), (Art. 22, Atm – 05/11/11), be and hereby is amended:

By deleting the current Title I, Article 1, Section 10. Procedural Rules, C. Votes: in its entirety and substituting the following:

All votes, unless otherwise provided by law, shall be taken in the first instance by a "yes" and "no" voice vote or by an electronic tally at the option of the Moderator. If the Moderator is in doubt as to the voice vote, or if five voters immediately question a voice vote, the Moderator shall call for a standing vote or an electronic tally, at the option of the Moderator. In an instance where the difference between the yes and no votes according to an electronic tally is less than 6 votes, then the individual votes shall be displayed.

On all questions submitted for the consideration of the Town Meeting, when requested by thirty or more Town Meeting Members present at the meeting, there shall be a roll call vote, either by voice or by an electronic vote, at the option of the Moderator. If an electronic tally was previously taken on the question, the vote of each Town Meeting Member who voted electronically in the first instance shall be displayed and recorded. All roll call votes, oral or electronic, shall be recorded so as to indicate the individual vote of each Town Meeting Member who shall have voted. Said record of roll call votes, oral or electronic, shall be available as recorded at the Town Clerk's Office.

Whenever a vote of two-thirds of the Town Meeting Members present and voting is required on any matter, the Moderator may declare a motion passed by a voice vote or electronic tally of at least two-thirds in favor. A standing vote or further electronic tally need not be taken unless required by law or these Bylaws. The Town Clerk shall record the Moderator's declaration that the motion passed by a two-thirds vote in favor.

All electronic tallies and votes shall be recorded so as to indicate the individual vote of each Town Meeting Member. These results shall be electronically available to the public for a minimum of three years, or such longer time as required by law.

COMMENT:

The Current Title 1, Article 1, Section 10. Procedural Rules, C. Votes: reads as follows with the new proposed language inserted or deleted *in italics* for reference:

Title I- General Government, ARTICLE 1: TOWN MEETINGS, Section 10. Procedural Rules, C. Votes: (ART. 13, ATM – 04/29/92), (ART. 22, ATM – 05/11/11)

All votes, unless otherwise provided by law, shall be taken in the first instance by a "yes" and "no" voice vote *or by an electronic tally at the election of the Moderator*. If the Moderator is in doubt as to the ~~vote he may call for a show of hands or for a standing~~ voice vote, or if five voters immediately question ~~the~~ a voice vote, the Moderator shall call for a standing vote *or an electronic tally, at the option of the Moderator*. *In an instance where the difference between the yes and no votes according to an electronic tally is less than 6 votes, then the individual votes shall be displayed.*

On all questions submitted for the consideration of the Town Meeting, ~~there shall be a roll call vote~~ when requested by thirty or more Town Meeting Members present at the meeting, *there shall be a roll call vote, either by voice or by an electronic vote, at the option of the Moderator*. *If an electronic tally was previously taken on the question, the vote of each Town Meeting Member who voted electronically in the first instance shall be displayed and recorded.* All roll call votes, *oral or electronic*, shall be recorded so as to indicate the individual vote of each Town Meeting Member who shall have voted. Said *record of roll call votes, oral or electronic*, shall be available as recorded at the Town Clerk's Office.

Whenever a vote of two-thirds of the Town Meeting Members present and voting is required on any matter, the Moderator may declare a motion passed by a voice vote *or electronic tally* of at least two-thirds in favor ~~and~~. A standing vote *or further electronic tally* need not be taken unless required by law or these Bylaws. The Town Clerk shall record the Moderator's declaration that the motion passed by a two-thirds vote in favor.

All electronic tallies and votes shall be recorded so as to indicate the individual vote of each Town Meeting Member. These results shall be electronically available to the public for a minimum of three years, or such longer time as required by law.