

Hiram Johnson was a leader of the Progressive Movement, a Governor of California, and the father of the modern citizens' initiative. This essay focuses on the status of his work, almost a century ago, to give the people of California a more direct voice in their own self-governance, through the initiative process.

The Current Future of Smart Initiatives

November 17, 2000

The Speaker of the Assembly of the State of California has appointed a panel to study the initiative process in the state and make recommendations for its improvement. The panel is called the Speaker's Commission on the California Initiative Process. You can visit its homepage at: <http://www.cainitiative.org>

Three particularly interesting documents available at the site are:

Election 2000: Big Winners, Unreported Mandates

By Peter Schrag

November 15, 2000

<http://www.cainitiative.org/item.php?id=22>

First Inaugural Address

California Governor Hiram Johnson

January 3, 1911

http://www.governor.ca.gov/govsgallery/h/documents/inaugural_23.html

Cure For The Initiative

A Los Angeles Times Editorial

November 6, 2000

<http://www.cainitiative.org/item.php?id=16>

Here are some comments I recently made on these subjects, incorporating some points from Governor Johnson's Inaugural Address and Peter Schrag's article:

I believe that the "indirect initiative," under which reaching a certain level of signatures triggers the automatic consideration by the legislature of the proposal, would be a valuable supplement to the present procedures.

It would be particularly appropriate if coupled with some version of Smart Initiatives, yielding a "Smart Indirect Initiative."

I also think that allowing the legislature (or its staff) to advise on the constitutionality of proposed initiatives and to make suggestions that would strengthen and improve the language of the initiative, while retaining the intent of its proponents, could be of significant benefit.

Further down the road chronologically, technically, and politically, I believe we will be able to convene "popular initiative assemblies," in which the public, now enjoying universal wireless broadband Internet access, will be able to actively participate in the formulation of initiative proposals online, in small groups and in large ones, led by skilled facilitators who will help shape the inchoate preferences of the people into workable legislative form, sort of the way Speaker Hertzberg does now in the California Assembly, only with a larger number of participants.

This will be followed by the digital signing of the agreed-upon text by the requisite number of citizens and the electronic delivery of the proposed legislation to the elected representatives for their consideration. Failing to gain the approval of the elected representatives, the legislatively-vetoed measure could collect the additional required signatures, and be submitted directly to the people for their approval or rejection.

Thus would we carry out the admonition of Governor Hiram Johnson:

Were we to do nothing else during our terms of office than to require and compel an undivided allegiance to the State from all its servants, and then to place in the hands of the people the means by which they could continue that allegiance, with the power to legislate for themselves when they desired, we would have thus accomplished perhaps the greatest service that could be rendered our State.

There's another very interesting piece on the website of the Speaker's Commission on the California Initiative Process, Peter Schrag's article of November 15th in the **Sacramento Bee**, entitled "Election 2000: Big Winners, Unreported Mandates." He writes:

In the mucked-up national vote, the biggest gainers this year, for better or worse, are likely to be the initiative process itself; the deep pockets that fund them; and all policy-making institutions other than representative government.

Last Thursday, as the recounts were beginning, former Labor Secretary Robert Reich half-facetiously announced the winner of the election -- and he is (drum roll) Alan Greenspan. But beneath the whimsy, there was deadly seriousness. The cloudier the mandate for elected government, the more gridlock, the stronger other institutions become.

And surely one of those institutions is direct democracy, which had been becoming increasingly important in policy well before this election, but which will certainly be strengthened this year -- as will the deep pockets that fund it.

So what we can look forward to, essentially, is a transition from indecipherable "elections-by-chad", and executive, legislative, and judicial gridlock, to the "Age of (Smart) Initiatives." Impeding this potential golden age, however, are those wearing the pants that contain what Schrag calls "the deep pockets that fund it."

An innovative way around this impediment is to give the ability to qualify initiatives to those with shallow, even very shallow, pockets. That's the intention of Smart Initiatives. What Johnson calls "big business...that business that believes all government is a mere thing for exploitation and private gain" will no doubt oppose this reform. It will no doubt be vilified in terms of "destructiveness, of abuse of power, of anarchistic tendencies and the like."

But the webpage containing Hiram Johnson's First Inaugural Address contains a link to his Second, so we know he did well enough with these ideas to win another term.

It would be wrong to allow the reforms he implemented to curb the corporate domination of his time to become in ours one of the principal means of re-establishing and strengthening that domination. As Johnson points out:

The demand has been answered by the corporation by the simple expedient of taking over the government of the State; and instead of regulation of the railroads, as the framers of the new Constitution fondly hoped, the railroad has regulated the State.

Allowing the people to qualify initiatives over the Internet, to transcend the impediments of California's huge size, vast distances, and massive population, as well as the exclusion of signature gatherers from the many public spaces that are under private ownership, as well as the unconscionably-short timeframe for collecting signatures (less than half that of any other state), would be a satisfying way to update Hiram Johnson's vision of a democratic process that includes and exalts the people, rather than marginalizes and excludes them.

It would also be appropriate to turn the technology that has produced extraordinary private wealth for so many Californians to the purpose of constructing equally extraordinary tools for public enfranchisement and development, while at the same time creating an infrastructure for secure identification and authentication that will lead to yet another round of commercial development and growth, and the production of even more private wealth.

These are the political and commercial justifications for Smart Initiatives, and a few thoughts on the process and implications of its implementation. I hope these comments will provide the basis for more of the on-going discussion that is essential to the process of synergizing the people, the political principles, and the technology of California into a whole that will let us build a Golden State that reflects not just the solar glow off our coast, but the best that is in us, individually and collectively..

Other jurisdictions are welcome, as always, to learn from our mistakes, and to profit from our example.

*On Thanksgiving Day, 1998, Dan Jellinek, then a reporter for the British newspaper, **The Guardian**, wrote a story in that paper in which I commented on the future of electronic democracy in Britain. Two years later, he edited the following two essays, which I wrote for his E-Government Bulletin.*

The Teledemocracy Revolution that Never Was

November 20, 2000

Copyright 2000 Headstar Ltd

From the E-Government Bulletin - November 2000

The two most common criticisms of fully-fledged, remote Internet voting are that it's not safe and that it's not fair.

The safety argument says that securing Internet voting against cybervandals and perpetrators of electronic election fraud simply can't be done, given existing technologies. The argument against Internet voting as unfair revolves around the so-called 'digital divide', the uneven distribution of access to the Internet within society.

There is something to be said for each of these objections. However, a more powerful complaint about Internet voting, which comes from a purely political viewpoint, is simply that it won't actually have much effect on the operation of the political process or the distribution of power in advanced societies.

The widespread implementation of remote Internet voting will be important to the companies that hope to make money by providing out-sourced election services to political jurisdictions. It will make voting easier and more convenient for those voters who already vote. Beyond that, there will be little to distinguish the political landscape of a jurisdiction using remote Internet voting from one using any of the legacy systems now in place.

If the current election campaign has shown anything, it's that a political system organised around and dominated by money, packaged candidates, and show-biz production values is, at best, able only to generate the same kind of interest created by a mediocre television series and a resoundingly negative reaction, ranging from apathy to disgust, on the part of a majority of those who are supposed to be deciding how they are governed. After months of this, letting people vote for their favourite candidate on the Net instead of at the traditional polling place just doesn't make any difference.

This isn't to say that the Internet is not capable of mediating the political process in ways that would give citizens more choices, that would significantly reduce the influence of

money in the process, and that would give them more control over the outcome of disputes over issues.

But what's required to bring about these genuine reforms is the legal recognition of citizens' right to have an impact online and the practical means to accomplish this. And 'having an impact' in this context does not merely mean the right to be heard, it means the right to actually participate in the making of decisions.

More and more, 'Internet democracy' is being forced into various definitions that don't actually give people any power, merely the appearance of it. Elected representatives, for years reluctant even to give out their e-mail addresses (if they had them), now want to 'listen' to their constituents online. Their staffers in charge of listening build websites for this purpose and log the incoming email the way they used to (and still) log the paper mail.

Sometimes the tabulated results even figure into decisions made by the representatives. But often they don't, and often they are quietly repressed by the whispered 'suggestions' of major campaign contributors that may run counter to the expressed desires of the listened-to but ignored mass of citizens.

Listening to the concerns of citizens over the Net is good. Posting campaign contributions in a timely manner on easily-accessed and easily-understood web pages is good. Letting people pay their taxes, apply for licenses, or find out about government services online is very good, since it saves government money and makes the lives of citizens easier. But any of these, or all of these, is not electronic democracy, it is not using the Net as it could be used to make government better, not 'more responsive,' but 'more democratic.'

Making government more democratic by means of the Internet means changing the laws and institutional arrangements we have now to include the active, daily participation of regular citizens in the formulation, discussion, and enactment of the laws by which society is governed. It means letting us govern ourselves with the best tools available, including especially the Internet.

So, is there an existing political process or structure that could be cyberized and then serve as a lever by which the actual will of real citizens can play a substantial role in the formulation and creation of laws and, through these laws, public policy.

It so happens that in the United States - or in about half the US states, at any rate - there is. It's called the initiative process, and allows citizens unhappy with the inaction of their elected representatives on a certain issue to formulate their own proposed law addressing that issue.

Proponents of such an initiative are required to collect a certain number of signatures of their fellow citizens on petitions. If they collect the requisite number of valid signatures, the proposed measure goes on the next election ballot. Voters can then pass or defeat the initiative at the polls.

In practice, the most significant element in getting an initiative on the ballot is the need to raise the necessary money to pay professional signature-gatherers. In California, where initiative proponents need to collect 419,260 valid signatures, the going rate for these services is approaching one million dollars.

So what's the best course of action for a group or individual with a complaint or proposal they'd like everyone to vote on, but without a million dollars? Right now, there is nothing they can do. But if signatures could be collected over the Internet, it would be a different story.

That story could be about to unfold, thanks to a reusable, 'open source' online petitioning initiative called the Smart Initiatives Initiative. In the next issue of E-Government Bulletin we will set out how this works, and how it could shift the balance of democratic power towards the citizen in a new 'open source democracy' in the US.

Towards an Open Source Democracy

December 11, 2000

Copyright 2000 Headstar Ltd

From the E-Government Bulletin - December 2000

SECTION FOUR: US CASE STUDY - DIGITAL PETITIONS

In our last issue, we looked at how US citizens can initiate legislative measures in some states through the 'initiative process', under which they are required to collect a certain number of signatures on petitions. If they collect the requisite number of valid signatures, the proposed measure goes onto the next public election ballot, and voters can then pass or defeat the initiative at the polls.

The nearest one can come at the moment to collecting signatures over the Internet for these purposes is to create a 'PDF' graphical file version of the initiative petition, post it on the web or email it to those requesting it, and let them print it out, sign it, and post it in.

This is an inelegant and often difficult way of proceeding, given the need to print the forms out on two sides of the paper, compress the text to fit in limited space and so on.

The obvious way to have people sign initiative petitions over the Internet is to let them sign them using digital certificates. As of 1 October 1 2000, the US federal E-Sign bill is in effect, authorising the use of these online credentials to sign contracts online. It's only logical to say that if digital certificates are now good enough to sign multi-million dollar contracts, they ought to be good enough to indicate your desire to see a particular legislative proposal voted on in your state.

The 'Smart Initiatives Initiative' currently being circulated in California was created to implement this idea in practice. Its primary aim is to allow people to vote on a measure requiring the state to provide all citizens with a digital identity certificate. The project has until March 12, 2001 to collect 419,260 valid signatures of California voters who want to see it on the primary ballot in 2002.

With Smart Initiative petitions, as with any petition, verifying the identity of the signer is key. Still, while the identity of the signer must be knowable by the authorities that check the signatures, it need not be made available to the general public. In fact, under the provisions of the proposed Smart Initiatives Initiative, it is protected by the same restrictions on disclosure as are legacy pen-on-paper signatures.

Moving the initiative-signing process online benefits all parties involved. For proponents, it reduces the cost of circulating their petitions by several orders of magnitude. For citizen-signers, it makes it much easier to study a proposed initiative and then, if they want, to sign it from home, office, or other location.

For the election officials who currently need to spend months checking a mere random fraction of the submitted signatures before extrapolating according to arcane formulas to determine the 'official' number of valid signatures, the power and convenience of a digital system to rapidly and comprehensively tabulate the results would be a much-welcomed improvement.

Because the first major provision of the Smart Initiatives Initiative is the distribution by the state of a high-level digital certificate to each citizen, citizens-as-consumers and citizens-as-commercial entities will benefit as well. They will be able to use these certificates not just to sign initiative petitions but to buy insurance, order groceries, tele-commute, check their children's homework assignments, and do anything possible now or in the future that requires them to establish their identity online.

At a minimum cost of ten dollars each, however, providing 20 million Californians with a digital certificate will not come cheap. Hence another proposal that could lower this cost and pay other dividends as well, a proposal to develop Open Source Public Key Infrastructure (PKI) software.

Open Source software is computer programming code that is not secret. The instructions that make it run are available openly to everyone. It makes sense to consider the creation of an Open Source PKI Foundation to facilitate the creation of Open Source PKI code, not only to save the State of California a lot of money, but also to set the stage for using open source software to eventually provide Internet voting services.

In addition to the cost savings for the government, building a PKI and using Internet voting software where the internal code is open would mean that it could be properly understood by the people who use it. It would provide a technological analogue of the political openness and participation that is central to this entire vision of what could be termed 'Open Source Democracy.'

Nor would it be inappropriate, eventually, to move many other existing and future e-government applications to an Open Source model. In such an environment, we could avail ourselves of a seamless web of information, decision-making, and functionality. As the reach and power of the web steadily evolve, these principles of openness and self-determination would be a concrete realisation of the long-sought ideal of 'government of the people, by the people, and for the people.'

* Article by Marc Strassman, Author of the Smart Initiatives Initiative and Founder and Executive Director of the Smart Initiatives Project. See:

<http://www.smartinitiatives.org>

Great Britain has had New Labour and Prime Minister Tony Blair, the U.S. has had the New Democrats and President Bill Clinton, and the current debate about upgrading the way the country votes may profit from their example.

A Third Way for Electoral Technology

As Executive Director of the Smart Initiatives Project, I've been making the argument for a while that instead of sticking with antiquated voting systems that lead to such disasters as we are witnessing in Florida, or moving to remote Internet voting systems that seem like a solution but could possibly open us up even worse messes ("3 Billion Californians Vote for Hillary Clinton in 2004 primary"), we ought to focus on what could be called a "Third Way for Electoral Technology," upgrading the electoral process by using the Internet for what it really can do well. And if doing so offers non-electoral benefits as well, all the better.

According, I wrote and am now officially circulating the Smart Initiatives Initiative in California. You can read more about it, join its mailing list, and link to additional documents, including a briefing paper I co-wrote for the Progressive Policy Institute along these lines in 1999, at:

<http://www.smartinitiatives.org>

While a perfected Internet voting system (this is the ideal, and we're finding it very hard to realize this ideal) would probably save jurisdictions money, and time, and would make it easier for citizens to vote, it would not, in my opinion, make much difference politically. It would make it easier for those who want to vote to do so, and it would make it relatively harder for people without easy access to computers to vote (which would be unfair), but it would do nothing to provide voters with meaningful choices for candidates or ballot propositions beyond those they have now.

Even the argument (made often in the past by me) that putting elections online would increase participation rates among the famously politically apathetic young now seems spurious. If they cared enough for this to be true, they'd be out in the streets (or at least be sending e-mails), trying to bring about Internet voting. But they don't, and they aren't.

Young people (and the half of all eligible voters who don't vote) don't vote because they're content with things as they are, or because they believe politicians and politics are so dirty that they don't want to get involved. Letting people vote online will not change any of that.

But letting people sign initiative and other official petitions online would change some things. A lot has been changed in California over the last 40 years by means of the initiative process. Unfortunately, as David Broder chronicles in "Democracy Derailed," money has corrupted this, as it has so many other, political process.

It now costs \$1,000,000 to put an initiative on the ballot in California. This is mostly money that goes to companies that hire and manage professional signature gatherers to collect the half-million or so signatures required to qualify an initiative for the ballot in California.

But if signatures could be collected over the Internet, those who cared enough to find the signing site (I own the URL for signsite.org) could conveniently do so. Those with a cause or an idea who wanted to put an initiative embodying on the ballot could build a first rate website for ten thousand dollars and invite citizens to come, learn about the proposed new law, and sign.

Providing 25 million Californians with the digital certificates and smart cards needed to securely sign these petitions over the Internet would jump-start e-commerce to a higher level for them and the business that could now do business with them under the terms of the Federal E-Sign bill that went into effect on October 1, 2000.

Providing every adult Californian with the means to legally and bindingly sign forms over the Net would mean that California's state and local governments could accelerate their transition to e-government, under which citizens could pay taxes, get refunds, be paid, check their personal information on file with the state, and apply for all manner of State licenses, programs, and procurement opportunities easily, securely, and in real-time.

This is the promise of Smart Initiatives and of eGovernment. I hope you will visit our site, take a look at the articles in the attached file (which I've written recently on Smart Initiatives and related subjects), and give some serious consideration to this idea. There has been an unprecedented amount of interest in upgrading electoral technology in the wake of the Florida chad-fest, but which I fear it will soon fizzle out with no impact unless some really viable ideas, such as Smart Initiatives, get brought into the public discussion of what to do about all this.

In December, 2000, I did some investigative reporting to find out how much the legacy initiative process costs, and therefore how much money Smart Initiatives might save California taxpayers. Or how much it might cost as an investment to make democracy and e-commerce more convenient. Preliminary data on these subjects are included in this article.

Fuzzy Math for Smart Initiatives

December 14, 2000

Over the last few weeks, I've been checking with knowledgeable sources to put some real numbers on the elements involved in implementing Smart Initiatives in California.

Here are the basic numbers:

Smart Initiatives in California means issuing smart cards and digital certificates to approximately 25 million people, the number of adults 18 and older now living in the state.

A very large smart card company, an industry leader, told me it would cost \$5.98 each to provide the state with 25 million smart cards. Let's round that up to six dollars each. This means it would cost \$150 million to provide a smart card for each adult Californian. This price does not include "personalization," or the insertion on the card of the digital certificate and the placement on the card's surface of a picture ID, a holographic image to prevent counterfeiting, or any other additional information, like name, address, height and weight, and so on. That's one hundred and fifty million dollars for the blank smart cards.

I got pricing on the digital certificates, the computer code that will allow for the actual "digital signing" of online initiative petitions, contracts, or other transaction forms, from two large and leading digital certificate companies. One of them quoted me a price of fifty cents each for 25 million certs. The other quoted me a price of one dollar each at that quantity.

Let's do the math. At \$150 million for the cards, an additional \$12.5 or \$25 million for the certs and a certain amount to get the certs onto the cards and also onto the desktops, laptops, PDAs, and cel phones of the end users, we can pretty safely say that the whole project could be accomplished for something less than but close to \$200 million dollars.

Now, let's consider what it costs to validate the pen-and-ink signatures of citizens on paper petition forms, which is what Smart Initiatives is designed to supplement.

One source, an election official in the East (San Francisco) Bay, told me that it costs their department between eighty cents and one dollar to process a single signature submitted to them on an initiative petition. This official went on to say that a highly-skilled elections worker could check 200 of these signatures in seven hours, adding that the less-skilled temporary workers who are often required to check signatures is more likely to authenticate around 150 signatures in the same seven hour period. This official also expressed a great deal of unofficial enthusiasm for automating this laborious process by means of the Smart Initiative system.

A second source, employed in a similar capacity in the Registrar of Voters office in a South Bay county, corroborated these figures, telling me that it was hard to pin down a definite estimate, since all kinds of variables (like messy signatures) were often involved in the validation process. Nevertheless, this official told me that the cost in that office to verify a single signature was between sixty cents and a dollar.

So, to make the argument for Smart Initiatives as compelling as possible and the math as simple as possible, let's assume that it costs one dollar to verify one signature.

Initiative petitions must be submitted to the Registrar of Voters offices in the county in which they were signed. Now, since some initiatives garner greater support in some parts of the state than others, petitions containing varying numbers of signatures to be certified will be received by the Registrar's Offices in different counties, and this distribution will vary from initiative to initiative. It's therefore not possible to say with any certainty what the cost to each county will be for a given initiative.

Let's assume that the figures from the two Bay Area counties are reasonably approximate indicators of what the costs for doing the checking are throughout the state.

To qualify an initiative for the ballot in California requires 419,260 valid signatures (if the initiative is a statutory one, meaning that it calls for changing or making a new state law) or 670,816 signatures (if the initiative is constitutional, calling for a change in the State Constitution). Many invalid signatures are commonly submitted.

There are two methods of checking the signatures. The Random Sample method checks a certain random sample of submitted signatures and uses complicated formulas to project the likely number of valid signatures in the entire mass of submitted signatures. There is also the Total Count method that, just like it sounds, involves checking every signature. Determining which method is to be used depends on other complicated formulas.

For simplicity's sake, and to make the case for Smart Initiatives as compelling as possible, let's say that 500,000 signatures need to be authenticated in order to qualify a single statutory initiative petition, more if it's a constitutional initiative. At our agreed-upon figure of one dollar per validated signature, that's half-a-million dollars to qualify each initiative.

How much this costs overall every year is, of course, a function of how many initiatives are submitted for certification, whether they're checked with the Random Sample method or the Total Count method, and whether they are statutory or constitutional initiatives. Two out of the five counties I asked to supply data have so far been able and/or willing to do so. My request to the Secretary of State's Office for statewide figures has as of yet not been answered.

One would, of course, hope that the methods of using ink, paper, cardboard, and many sets of hands and eyes to compare written signatures on the petition forms with the signatures on the registration cards stored in the Registrars of Voters offices are more precise, uniform, and reliable than the methods recently employed in Florida with limited success, but one can hardly know, or say for sure, that they are without more scrutiny of data not yet available to press or public.

What we can know for sure is that digital versions of initiative petitions, using the latest technology for secure online transaction processing, can process 200 petitions in seconds, rather than hours, and do so uniformly, according to established and recognized

criteria. Like all digital processes, checking a digital signature for authenticity yields clearly-defined results. The signature is either completely valid, proven to have come from the person claiming to have made it and not modified in transit, or it is completely invalid, either not coming from the claimed sender or modified since the signing, or both.

There are no dimpled, pregnant, or hanging digital signatures.

Let's say that 20 statewide initiative petitions are submitted for verification every year in California. (Once the Secretary of State's Office provides real data, we can substitute it for our assumptions.) At half-a-million dollars each, that's 10 million dollars in signature-checking costs per year. Letting county election officials save that much, or close to that much, each year would give them at least part of the money they need to begin purchasing the DRE, or touchscreen, voting terminals that many seems to agree are an appropriate way to upgrade existing voting technologies, or to otherwise upgrade often antiquated Chad-o-Matic™ punchcard systems.

Obviously, taken in isolation, spending \$200 million to save \$10 million dollars is not a good investment. But distributing 25 million smart cards and digital certificates to every adult California is not something that will only impact the initiative petition signing process. There are at least two other areas where it will have a big effect.

The first is in the area of e-government, the direct delivery of information-intensive services to citizens over the Internet. Paying taxes and fees, applying for licenses, accessing secure data, submitting official documents, including especially legal briefs and other forms, and many other functions will become securely doable by 25 million Californians by means of the same digital certificates they will be using, if they so choose, to sign initiative petitions online, and which Smart Initiatives would put into their hands even if they never signed an initiative petition online or off.

It now costs one million dollars for a citizen or organization to qualify an initiative, and it costs the State half-a-million dollars to check the signatures on it. With Smart Initiatives technology (smart cards and digital certificates) in place, it might cost the circulators ten thousand dollars to qualify their initiative and the State five thousand dollars to validate the signatures on it. This is a cost reduction for both citizen and state of one hundred times.

Imagine what a similar reduction in costs would mean for taxpayers when the transition to e-government brings about a comparable reduction in State costs for administering its transactional processes.

The convenience, speed, accuracy, and trustworthiness of e-government transactions will benefit citizens. The power, synergy, reach, speed and lower cost of e-government transactions will benefit the State. The money saved by the State through e-government could go to enhance state services, be returned to citizens through lower taxes and fees, or some combination of the two. Proposals for the disposal of these savings could be made, fittingly, by citizens themselves through a Smart Initiative.

On top of these savings and increases in efficiency and convenience, there is also the massive economic effect of equipping 25 million consumers for participation in a wide range of existing and emerging commercial transactions, such as online shopping, now including even the purchase of big-ticket items such as cars and houses. It is already legal under the Federal E-Sign Bill to sign such contracts, but its provisions are rarely used, in large part because few people have digital certificates, experience using them, or even basic information about what they are, all limitations that will disappear with their universal distribution under the provisions of Smart Initiatives.

One should also note that the State Department of Motor Vehicles is already considering providing every holder of a driver's license or a state ID card with a smart card and digital certificate as part of their driver's license or state ID card. If this happens, then the cost of instituting a system of Smart Initiatives will be trivial, even though the political benefits to citizens and the financial benefits to counties and the State will be substantial. And, as long as the digital certificates issued through the DMV are made valid for e-government and e-commerce transactions, the benefits listed above will also be realized.

The bottom line of all this fuzzy math is that digital logic, in the form of Smart Initiatives, can deliver a big gift to the State of California and all its citizens, if we have the imagination and will to let it.

After the debacle in Florida, pundits and elected officials shouted for an upgrade to existing electoral technology. But this outpouring of interest and enthusiasm may not be the unmitigated bonanza many proponents of remote Internet voting are hoping for.

Slip Sliding Away

December 16, 2000

Far from leading to the rapid adoption of Internet voting, the recent fiasco in Florida could just as easily result in an even longer delay before these systems become commonplace.

This is because the furor resulting from the mess in the Sunshine State has caused a demand for immediate improvement in the ease-of-use and certainty-of-results of voting systems, while the ongoing and growing controversies swirling around Internet voting mean that public reluctance to accept it as a substitute for existing systems will not permit it to become the method of choice to fill the widely- perceived “voting gap” that has opened up since Florida.

Instead, the hundreds of millions of dollars being promised by government to assure no recurrence of the “Chad-o-Matic” disaster are most likely to be spent on stand-alone, on-site touchscreen voting solutions (DRE) or on whatever systems come out of the just-launched, Carnegie Corporation-financed, MIT/Caltech Manhattan Project/moon launch-level research and development effort to build an adequate high-tech voting machine.

Offering Internet voting systems as a way to upgrade/replace archaic legacy voting systems has long been a core argument made by Internet suppliers/supporters. With the massive upgrading and replacement of these dinosaurs with next generation non-Internet voting systems, this rationale will vanish. Like a groom whose bride has spent the hours immediately before their wedding cavorting with the best man, Internet voting vendors may find it more difficult than they had expected to consummate their relationship with their intended (now satiated) partners.

Still, the installation of all this new electoral hardware and voting software will undoubtedly deliver real benefits in ease-of-use to voters and real advantages in tabulation speed and accuracy to election officials, even if voters will not, as promised by the proponents of remote Internet voting, be able to vote from home, the office, or on the road.

Of course, if public memory of how bad things got during the chad storms of November and December fade as fast as recollections of many public events do, it's also possible that the hue and cry for upgrading electoral technology will dwindle to imperceptible levels before any effective steps are taken to remedy the technical component of the recent near-legitimacy crisis. In that case, the only useful remedy would be to hope that the political parties nominate slates of candidates from which there

will emerge a clear and decisive winner, one who will carry the day far beyond the statistical margin of error.

Chapter 5

Media Coverage

As I was drafting the California Internet Voting Initiative, Howard Fineman of Newsweek magazine interviewed me by phone for the first "E-Life" issue of that publication. The result was this brief mention in the article about the Internet and politics, which appeared in the magazine's September 20, 1999, issue.

Igniting the Swarm

But the biggest issue now emerging in the world of online politics is about... online politics. In California (of course) a movement is underway to allow votes to be cast over the Internet. Activist Marc Strassman is filing papers to put the question on the ballot in November 2000. Some analysts argue that people could vote early and often by modem and that it would widen the "digital divide" between rich and poor. But Strassman contends that technical problems are soluble, and "anything that makes it easier for people to vote," he says, "is a good idea in these days of voter cynicism and apathy."

Now all he has to do is collect 500,000 signatures. He and his allies must gather them the old-fashioned way — on paper and in person. And Strassman has come up with a novel way to use the Internet to make the process simpler. Voters who want to sign won't have to go to a shopping-center parking lot to do so. They'll be able to download a petition form, sign it and send it in. "A petition only has to have one name on it to be valid," says Strassman. Of course that's the way it works in the world of politics on the Web: you start with one person and hope for a swarm.

With the emergence of the Smart Initiatives Project to push the Smart Initiatives Initiative, it became necessary to garner some media coverage. The first public treatment for the Project came from the Sacramento Bee.

Smart idea

By Steven A. Capps
Sacramento Bee Capitol Bureau
Published Oct. 23, 2000

Marc Strassman, who's had a number of careers associated with computers, thinks it is too difficult and expensive to qualify initiatives for the California ballot and believes the solution may lie in the Internet.

Strassman has drafted an initiative -- which he calls the "Smart Initiatives Initiative" -- that would allow signature-gathering for initiative petitions via the Internet. He's now gathering signatures for his measure and promoting it through his Web site (www.smartinitiatives.org).

Under provisions of his measure, Californians would be issued "digital signatures" -- actually encrypted electronic codes -- that would allow them to "sign" petitions online. Signatures could be instantly verified, which cannot be done when petitions are signed with pen and ink.

Strassman laments that initiative qualification has become big business. It costs about \$1 million to hire a company to gather the huge number of signatures required to qualify an initiative for the California ballot.

"The irony is it's going to cost me \$1 million to make it possible to only cost \$10,000," said Strassman. But he's not one of those Silicon Valley entrepreneurs who has made a fortune.

"I don't have a million dollars," he said. "I'm asking people who do have a million dollars to contribute. They haven't gotten back to me."

On the same day, the Silicon Valley/San Jose BusinessJournal covered the Smart Initiatives Initiative.

Initiative pending for Internet initiatives

Silicon Valley/San Jose BusinessJournal

Published October 23, 2000

Copyright 2000 American City Business Journals Inc.

Californians would be able to sign initiative petitions via the Internet -- if an initiative is successful.

Sponsored by a Silicon Valley computer executive, Marc Strassman, the measure would see Californians issued encrypted electronic codes -- what Strassman calls "digital signatures" -- allowing them to "sign" online petitions. Strassman says the electronic signatures could be verified within seconds compared to the weeks it now takes to verify validity by hand.

And he says this will dramatically cut the cost of gathering enough signatures to qualify an issue for the ballot. Hand-gathering of voter signatures now costs as much as a million dollars, he says, compared to his estimate of \$10,000 for the electronic gathering. It currently takes 420,260 valid signatures to put an initiative on the California ballot.

"This means that only either very motivated grass-roots organizations or people or groups with a lot of money can avail themselves of this procedure," a statement on Strassman's Web site says.

"Giving actions taken over the Internet the force of law while giving every citizen adequate access to the Internet makes it possible to re-form democracy on a basis that is both intimate and national, even global," the statement says.

Initiative Web sites could also include chat rooms for discussion of the initiative, FAQs (Frequently Asked Questions), links to related sites, audio and video clips discussing the measure, live webcasts (audio or video) of presentations on the initiative or debates between proponents and opponents, Strassman says.

This "would enhance the democratic process in general and the public understanding of every specific initiative in particular," according to Strassman.

His proposal is being reviewed by the attorney general's office prior to being circulated -- by hand.

On November 18, 2000, I sent an open e-mail to Kevin Shelley, the Democratic Majority Leader in the California Assembly. Mr. Shelley had authored a bill to begin testing Internet voting around the state. The bill passed the Legislature, but was vetoed by Democratic Governor Grey Davis. I couldn't help noticing the similarity between the language and approach in Governor Davis' veto message and the language and approach in Governor Pete Wilson's message vetoing AB44 in 1997, so I wrote the Majority Leader to suggest that we work together to upgrade and reform California's electoral technology. I have since been in discussions with his office about doing so.

An Open E-mail Letter to the Majority Leader

On October 13, 1997, when Pete Wilson vetoed AB44, a bill ordering the Secretary of State to study Internet voting in California, he (or a staff member) wrote:

To the Members of the California Assembly:

I am returning Assembly Bill No. 44 without my signature.

This bill would require the Secretary of State to assign a task force to study the creation of a digital electoral system and to report the results to the legislature.

I am supportive of reasonable approaches to campaign and election reform. As such, I have recently signed Senate Bill 49 (Karnette, Ch. 866) which will establish an electronic filing disclosure system. The provisions of that bill will allow technology to be introduced into the campaign finance system in a reasonable and thoughtful manner yet provide adequate safeguards against misuse.

Unfortunately, I cannot say the same for AB 44. This bill calls for a task force to study establishing a digital electoral system that would, among other things, allow individuals to register to vote, sign an initiative petition and cast their vote through the use of digital technology. The use of such a system will compromise voter confidentiality and generate significant opportunities for fraud. Since the digital system would be available only to those with access to computer terminals, it would not replace the current system. Accordingly, the use of two systems would complicate voter verification procedures, further compromising the electoral process.

Although current encryption technology is making advances in

providing a more secure environment to prevent tampering by third parties, no one can yet guarantee a completely safe, tamper-proof system. Without such a guarantee, a study is premature.

Cordially,

PETE WILSON

Three years later, on September 28, 2000, his successor, Grey Davis, vetoed AB 2519 with this message:

To the Members of the Assembly:

I am returning Assembly Bill 2519 without my signature. This bill would establish an Internet Voting Pilot Program in three counties to test the viability of a system allowing voters to cast their ballots via the Internet in general elections to be held before July 1, 2003.

While I am a strong supporter of increasing both the number of registered voters and voter participation in the state's elections, this bill is premature for several reasons.

Before Internet voting can be successfully implemented, security measures to protect against fraud and abuse must be more fully developed. Other states are experimenting with online voting with varying degrees of success. I am not convinced the necessary safeguards are in place to begin this experiment in California.

Accordingly, I am returning AB 2519 without my signature.

Sincerely,

GRAY DAVIS

I read yesterday in the Business Journal of San Jose that you are going to try again

to get authorization for a limited form of Internet voting in the California. I wish you every success.

I've been trying to achieve the same goal since 1996. My first effort was the Virtual Voting Rights Initiative, a copy of which is attached. The VVRI provided for voter registration, initiative petition signing, and regular voting over the Internet, with voter identification and authentication to be provided by digital certificate.

The VVRI never qualified for the ballot. Instead, it was submitted by Assemblymember Kevin Murray on December 2, 1996 as AB44. After being amended into a study bill and not an implementation bill by Assemblymember Murray at the recommendation of Secretary of State Bill Jones, it eventually passed both houses, only to be vetoed by Pete Wilson, as referred to above.

In 1999, I drafted a second effort to bring Internet voting to California, the California Internet Voting Initiative. The CIVI would have authorized Internet voting only on systems that met certain listed specifications, the details of these specifications to be determined by the Secretary of State. The CIVI never made it to the ballot, but you can read it and see a website designed to qualify it under existing, legacy, regulations, at: <http://www.civix.org>.

This year, I wrote and am now circulating the Smart Initiatives Initiative, which would require the State to establish a California State Certificate Authority to issue digital certificates (and smart cards) to every adult Californian, and allow all of us to use these certificates to digitally sign initiative and other official petitions online.

The Smart Initiatives Initiative is completely silent on the subject of Internet voting, but does allow citizens to conduct e-government transactions with the State using their certificates, in situations where the state chooses to allow this. You can read the SII, and download a valid petition form for it, at: <http://www.smartinitiatives.org>.

Smart Initiatives implicitly relate to Internet voting in at least two ways. Qualifying, passing, and implementing Smart Initiatives would result in the distribution of approximately 20 million digital certificates and smart cards within the State, and it would give us a chance to use them on a regular basis for political purposes, as well as for commercial ones. This would let individual citizens and the State itself gain valuable experience in the use of the Internet for authenticated political transactions. This experience could provide valuable information for determining the best ways to implement other authenticated political transactions (such as Internet voting).

Secondly, putting Smart Initiatives in place would mean that it wouldn't cost a million dollars to qualify an initiative to implement Internet voting, but a lot less. Such a California Internet Voting Initiative could be qualified and passed even if Governor Davis, as he has promised, continues to oppose such a reform.

All this background now comes to its point. I support your efforts to bring

Internet voting to California, but the Governor, who must sign any legislation you bring to him to do this, does not. You can keep passing bills to move us forward, but he can keep vetoing them.

But he can't veto an initiative.

So I'm suggesting that we work together now to pass Smart Initiatives and, if you're interested, to pass, before or after Smart Initiatives is implemented, an Internet voting bill of the type you favor, by means of the initiative process.

No one has more experience than I do in writing and advocating Internet voting initiatives in California. No one has more experience than you do in trying to legislate Internet voting into existence through the Legislature. Between what each of us knows and can do, I expect we could succeed, regardless of the Governor's attitude on this issue.

I hope we can talk soon about moving forward together on this.

Sincerely,

Marc Strassman
Executive Director
Smart Initiatives Project

Chapter 6

Outreach

On December 6, 2000, I read a plan for e-government published on California Secretary of State Bill Jones' website. It had so much in common with my own plans that I sent him an e-mail suggesting that we work together to achieve our common goals. This e-mail is reproduced below. Unlike the response of the California Assembly Majority Leader, I never heard back from the Secretary of State.

Offer of Cooperation Sent to California Secretary of State

Dear Secretary Jones:

I was examining your "California eGovernment Plan" when I read about the "California Digital Identification Act," which would "require the Department of Motor Vehicles (DMV) to work with Certification Authorities to provide one and only one digital signature key pair to any Californian who requests one and provides proof of identification to the DMV."

The Smart Initiatives Initiative, now circulating, says, in pertinent part:

11790. (a) The Department of Motor Vehicles, the Secretary of State, the Department of Information Technology, and the county registrars of voters, shall collaborate to establish the Digital ID Issuing Authority of the State of California, whose mission shall be to efficiently and cost-effectively provide California residents with a high-level digital certificate in an easy-to-use form.

What can I do to help you realize your plan to provide Californians with secure digital identification?

Your plan for eGovernment goes on to say:

Upon passage of this legislation, DMV-issued digital identification will be deemed sufficient proof of identification for all electronic transactions with public entities that would otherwise require proof of identification.

The Smart Initiatives Initiative goes on to say:

11791. (a) A digital certificate issued by the Digital ID Issuing Authority pursuant to Section 11790 shall be accepted by any state entity that offers secure transactions over the Internet, as complete and adequate proof of an individual's identity...

Since your plans for eGovernment and the content of the Smart Initiatives Initiative on these points are so close, almost word for word identical, I hope you will consider supporting my efforts to implement your goals by supporting my efforts to qualify and pass the Smart Initiatives Initiative, or to incorporate its major elements into the recommendations of the Speaker's Commission on the California Initiative Process, or include it in whatever legislation eventually authorizes and funds the Department of Motor Vehicles' purchase and distribution of digital certificates and smart cards as driver's licenses and state ID cards.

I also hope you will support my efforts to ensure that "all electronic transactions" as referenced in your plan will be construed to include the digital online signing of initiative and all other official government petitions, including referenda, recall, in lieu, and nomination petitions at all levels of government within the state.

You might also want to read "Jump-Starting the Digital Economy (with Department of Motor Vehicles-Issued Digital Certificates), a briefing paper published June 1, 1999, by the Progressive Policy Institute, which addresses the justification, implementation, and implications of the policy we both support of assuring that California go from worst to first by equipping its citizens with digital certificates. You can access this paper at:

http://www.ppionline.org/ppi_ci.cfm?contentid=1369&knlgAreaID=107&subsecid=126

Please feel free to contact me to discuss any of this at your convenience. I can be reached by phone at 818-985-0251 or by e-mail at etopia@pacificnet.net.

Sincerely,

Marc Strassman
Executive Director
Smart Initiatives Project

Chapter 7
Messages Number 61-144 for
Campaign for Digital Democracy Mailing

Below are copies of all the postings sent to Campaign for Digital Democracy mailing list subscribers from the middle of June, 1999, to the end of 2000. The same messages are also sent to subscribers to the Smart Initiatives mailing list.

You can join either of these lists too.

For CDD, click here: <http://DigitalDemocracy.listbot.com/>

For SI, click here: <http://SmartInitiatives.listbot.com/>

Don't join both or you'll get two copies of every post.

Message Number 61 for Campaign for Digital Democracy Mailing List

Date:

Jun 03 1999 17:50:54 EDT

From:

Campaign for Digital Democracy

Subject:

Technology, Innovation & New Economy Project

The Progressive Policy Institute is a public policy think tank associated with the Democratic Leadership Council, a group of moderate Democrats.

Its offices are located not far from the U.S. Capitol in Southeast Washington, D.C. PPI's Technology, Innovation & New Economy Project is devoted to formulating public policies that take full advantage of and also encourage the development of the new technologies that are having so much impact on all aspects of our lives, including political aspects.

Here is an update on their work, prepared by Rob Atkinson, the Director of the Technology, Innovation & New Economy Project:

As you know, in the last year myriad public policy issues have emerged with profound implications for the technology-based New Economy. Because the Tech Project's mission is to educate policy makers about what drives the New Economy and to advance policies that promote technological and economic innovation, we have been busy working with Congress, the Administration, and the states on a number of critical fronts.

Specifically, we have been pushing for:

- liberalization of encryption export controls (PPI Backgrounder: <http://www.dlcppi.org/texts/tech/encryption99.htm> ... DLC Policy Brief: <http://www.dlcppi.org/briefing/b990524.htm>);
- H1B visa extension, combined with increased support for training American workers for IT jobs (DLC Idea of the Week, April 24, 1998: <http://www.dlcppi.org/fax/1998/980424.htm#sublead1> ... PPI Policy Brief: <http://www.dlcppi.org/texts/tech/newskill.htm>);
- strong Y2K liability limitation legislation (PPI Backgrounder: <http://www.dlcppi.org/texts/tech/y2k.htm> ... DLC Policy Brief: <http://www.dlcppi.org/briefing/b990511.htm>);
- patent reform (DLC Policy Brief: <http://www.dlcppi.org/briefing/b980916.htm>);
- permanent extension and expansion of the R&D tax credit (PPI Policy Report: <http://www.dlcppi.org/texts/tech/boosting.htm>);
- a limited role for government in Internet privacy (PPI Policy Report: <http://www.dlcppi.org/texts/tech/privacy.htm>);
- a moratorium on Internet taxes (DLC Policy Brief: <http://www.dlcppi.org/briefing/b980429.htm>);
- securities litigation reform (DLC Policy Brief: <http://www.dlcppi.org/briefing/b990511.htm>);
- policies to promote the use of digital signatures (Forthcoming PPI Policy Proposal: <http://www.dlcppi.org/text/tech/jumpstart.htm>).

Moreover, with our "New Economy Index" (<http://www.neweconomyindex.org>), we have played a lead role in raising national and international policy makers' awareness of the nature of the New Economy and the need for a policy framework that supports and encourages it. With our upcoming "State New Economy Index," we expect to change the debate at the state and local levels as well.

In the next year, we will continue to weigh in on important issues and advocate for needed changes in our public policies, including liberalization of computer export controls, reform of universal service for telephony, advancement of digital government, and policies to control SPAM.

You will find more information about PPI and the Tech Project on our Web site (PPI home page: <http://www.dlcppi.org> ... Tech Project page: <http://www.dlcppi.org/tech.htm>).

You could help us spread the word about the project by forwarding this email to others in your network who are interested in these kinds of New Economy policy issues and in the approach that the Progressive Policy Institute brings to them.

Thanks much, and should you have any comments or questions please feel free to contact me.

Rob Atkinson
Director, Technology & New Economy Project
Progressive Policy Institute
600 Pennsylvania Ave., SE
Suite 400
Washington, DC 20003
phone: (202) 608-1239
fax: (202) 544-5014
email: ratkinson@dlcppi.org

Message Number 62 for Campaign for Digital Democracy Mailing List

Date:
Jun 07 1999 21:03:32 EDT
From:
Campaign for Digital Democracy
Subject:
Jump-St

Jump-Starting the Digital Economy (with Department of Motor Vehicles-Issued Digital Certificates) is now the Idea of the Week on the Democratic Leadership Council's website.

Visit the DLC homepage at: <http://www.dlcppi.org/>

Read more about this briefing paper at The DLC Update, Monday, June 7,

1999 at: <http://www.dlcppi.org/fax/1999/990607.htm>

Read the briefing paper itself at:
<http://www.dlcppi.org/texts/tech/jumpstart.htm>

Regards,

Marc Strassman
Executive Director, Campaign for Digital Democracy
President, VoteSite.com, the internet voting company

Message Number 63 for Campaign for Digital Democracy Mailing List

Date:
Jun 09 1999 01:00:27 EDT
From:
Campaign for Digital Democracy
Subject:
A Digital Future for Kosovo?

A Digital Future for Kosovo?

by Marc Strassman

Half a century after it wrecked havoc in Germany, the U.S. Air Force has again reduced the infrastructure of a European nation to rubble. Again, the time has come to talk about rebuilding a country's devastated physical plant.

Why not do what worked so well for the Allies after World War II and rebuild Kosovo, not as it was, but as it could be? Why not use the billions that will no doubt be appropriated and spent there to give its million people the technology to not just restore their level of subsistence, but to move them, en masse and now, into the 21st century, the internet century.

Before addressing some of the inevitable objections to such a suggestion, let me just sketch out the rudiments of what I have in mind. Integrated

broadband telecommunications is at the heart of the new technological, economic, and cultural paradigms that are emerging throughout the developed world. The people of Kosovo are just as entitled to benefit from these tools as anyone, and, with billions of dollars in aid money soon to be coming their way, they'll be better able than most to afford it.

Instead of replacing antiquated, "legacy" phone systems in Kosovo, the province ought to be made a testbed for the latest and best technology, systems that can deliver wireless broadband communication services to every farmhouse, village, and city apartment and house. To jump-start the local economy, every resident of the province should be given the opportunity to generate and use a personal, unique digital certificate. This certificate could be stored on a smart card, and used to identify and authenticate its owner in e-commerce, in transactions with the government, for educational purposes and other in other appropriate situations.

The wireless broadband digital internet communications web that would be created using cellular or related technologies would, in conjunction with a good, basic, Pentium III-based laptop computer, enable every resident to access educational and medical services, to communicate with friends and family, and to participate in the democratic political life of their country as it rebuilds.

Far from destroying the benefits of having a mixed economy that includes intellectuals sitting around urban cafes while hardworking farmers actually grow crops and raise animals, overlaying a powerful telecommunications grid on Kosovo would allow those in the country to stay there, while making all the cultural advantages of living in the capital available to them right where they are.

As for the transportation of goods and people, if there are a few billion dollars left after building the telecomm grid and supplying everyone with a computer, I don't see why it might not be possible to build a network of fast and quiet maglev trains to carry people into the capital for a visit and whisk them back by bedtime.

One might imagine that there is something romantic about a people innocent of the joys and tribulations of a fast-paced, diverse, up-to-the-minute urban existence. Perhaps there is. But it would be hard to argue that bringing the people of Kosovo into internet space on internet time could be any more disruptive of their lives and their beliefs than what's been done to them already in the last year.

Even if pre-ethnic-cleansing Kosovo was an Arcadian paradise, it no longer is. Of course, the people themselves need to be consulted and asked what they want for themselves and their country. If they want it

rebuild just the way it was, they deserve to have that done. But if most, or some, of them now decide that what they want is to experience, learn about, and benefit from tools developed elsewhere that can make them more productive, better informed, and better able to cope with all the forces sweeping the world, some of which have recently swept them into exile with much attendant suffering, then perhaps we should begin thinking about how we can give them these tools, as a way of making amends, and of empowering them against any future such incursions into their lives.

On top of this, of course, there is the fact that none of this paradigm-shifting, transformative reconstruction will be offered to the people of non-Kosovo Serbia until the engineer of the extended season of ethnic cleansing in the Balkans, Slobodan Milosovic, is removed from office. By itself it may not be enough, but when the general population of Serbia sees how those in Kosovo are prospering while their economy withers, they may be moved that extra bit in the direction of making a change in their leadership.

Indeed, setting up Kosovo as a testbed for the most advanced internet and telecommunications technologies will go a long way in showing those in the advanced countries (and in less-developed ones also) what the benefits of adopting these tools can be. In the same way that Singapore has sought to establish itself as a world economic power by wiring itself and training its people in internet skills, Kosovo could conceivably move up in the economic rankings by coordinating its reconstruction efforts with measures designed to upgrade the educational level and technical proficiency of its people.

By so doing, the people of Kosovo, already a model for the world of dignity and courage in their reaction to their forced banishment from their country, could become also an equally powerful model of self-transformation in the digital age. It might not make up for what they've had to endure, but it would certainly give them an alternative self-image to focus on and give everyone else a compelling example of turning banishment into triumphant return.

-30-

Message Number 64 for Campaign for Digital Democracy Mailing List

Date:
Jun 11 1999 00:08:51 EDT
From:
Campaign for Digital Democracy
Subject:
Nice Images at VoteSite.com

It's not fully-operational yet, but VoteSite.com now has some nice images on it, so you're invited to take a look. It's at:

<http://www.votesite.com>

Regards,

Marc Strassman

Message Number 65 for Campaign for Digital Democracy Mailing List

Date:
Jun 15 1999 00:20:24 EDT
From:
"Campaign for Digital Democracy"
Subject:
A Special Offer out of Minnesota

As far as I'm concerned, the most important political figure in Minnesota is not their governor but Steven Clift, who runs the DO-WIRE (Democracies Online) free mailing list. He's asked me to invite you to join it. It costs nothing, and it will keep you informed about Net democracy issues.

Democracies Online Newswire - <http://www.e-democracy.org/do>

>> Join the Democracies Online Newswire - DO-WIRE@TC.UMN.EDU <<

DO-WIRE is a low volume, moderated, e-mail announcement list

covering the convergence of democracies and the Internet around the world.

Around 1 to 5 "best of" posts are forwarded each week from civic, political, academic, government, media, and private sector sources. Post highlight articles, calls for papers, new projects, online events, online resources, research, conferences, and URLs to important news stories. The 600 newswire subscribers around the world are the primary content contributors to this service.

An archive of past posts is available directly from:

<http://www.egroups.com/group/do-wire/>

To SUBSCRIBE for direct e-mail delivery, please send a message to:

LISTSERV@TC.UMN.EDU

In the body of your message, write:

SUBSCRIBE DO-WIRE "Your Name (Place)"

Please note that you will be asked to confirm your subscription via e-mail.

>> DO-WIRE Submission Information <<

Submissions to the Democracies Online Newswire are encouraged. Please send your proposed submissions to:

DO-WIRE@TC.UMN.EDU

Please forward this message to others. Thank you.

^ ^ ^ ^
Steven L. Clift - W: <http://www.publicus.net>
Minneapolis - - - E: clift@publicus.net
Minnesota - - - - T: +1.612.822.8667
USA - - - - - - ICQ: 13789183

*** Please send submissions to: DO-WIRE@TC.UMN.EDU ***
*** To subscribe, e-mail: listserv@tc.umn.edu ***
*** Message body: SUB DO-WIRE ***
*** To unsubscribe instead, write: UNSUB DO-WIRE ***

*** Please forward this post to others and encourage ***
*** them to subscribe to the free DO-WIRE service. ***

Message Number 66 for Campaign for Digital Democracy Mailing List

Date:
Jun 17 1999 19:30:04 EDT
From:
"Campaign for Digital Democracy"
Subject:
Could the Internet Change Everything?

Click here to read "Could the Internet Change Everything?":

<http://www.intellectualcapital.com/issues/issue249/item5418.asp>

Click here to visit the newly-launched VoteSite.com website:

<http://www.votesite.com>

While you're there, please sign up for the VoteSite.com mailing list.

If you want to be among the first to contribute to the \$1,000,000 CIVIC (California Internet Voting Initiative Campaign) election fund, there's a place there to do that, too.

Sincerely,

Marc Strassman
Executive Director, Campaign for Digital Democracy
President, VoteSite.com, the internet voting company

Message Number 67 for Campaign for Digital Democracy

Mailing List

Date:

Jun 19 1999 03:47:56 EDT

From:

"Campaign for Digital Democracy"

Subject:

Sign Up at VoteSite.com and Get Gooley

If you've got a minute, here are two things you can do to help build the "Internet voting community."

First, go to <http://www.votesite.com>, wander around, and sign up for the VoteSite.com mailing list.

Second, go to <http://www.getgooley.com> and download Gooley, the website/chat program available free at that site.

This is either the latest way to waste a lot of time online, or a valuable tool for building community among like-minded Netizens. It lets you chat with others who are visiting a site.

If enough people interested in bringing about Internet voting downloaded and installed this program, we could run into each other informally or meet at a scheduled time at VoteSite.com. Then we could exchange ideas, decide what we should be doing next, and generally engage in building the interactive democratic community that has already been thoroughly talked about and now needs to be made real.

I'm sure that a voice chat version of this software can't be far behind. Like I said, either another great time waster or an invaluable tool for serious work. Sort of like the Web itself, I guess.

Regards,

Marc Strassman

Executive Director, Campaign for Digital Democracy
President, VoteSite.com, the internet voting company

Message Number 68 for

Campaign for Digital Democracy Mailing List

Date:

Jul 12 1999 19:25:48 EDT

From:

"Campaign for Digital Democracy"

Subject:

California Internet Voting Initiative, July 12, 1999

Dear Campaign for Digital Democracy mailing list member,

Here's the latest version of the California Internet Voting Initiative.

Before I submit it to the California Attorney General's office for a title and summary (and cost estimate), I'd like to hear your comments, reactions, or suggestions about the language and the structure of the system to implement Internet voting and the digital signing of initiative petitions that is contained in this initiative.

Please send your remarks to <director@votesite.com> as soon as you can.

Thanks very much for helping us to use the Internet and democratic discussion to help create a more effective Internet for the furtherance of democracy everywhere.

Forgive me if you've already received this document because you're a member of the VoteSite.com mailing list. If you're not yet a subscriber to that list, you're very welcome to. Just go to the VoteSite.com website at <http://www.votesite.com>, take a look at some of the audio and video clips on the Media Wall, and sign-up for the mailing list there. Or go directly to the VoteSite.com mailing list sign-up at <http://votesite.com.listbot.com>.

Sincerely,

Marc Strassman
Executive Director
Campaign for Digital Democracy

Message Number 69 for Campaign for Digital Democracy Mailing List

Date:
Aug 07 1999 13:40:50 EDT
From:
"Campaign for Digital Democracy"
Subject:
Expanding H.R. 1714

(If you are also a subscriber of the newer VoteSite.com mailing list, we apologize for sending you a second copy of this message.)

Dear Campaign for Digital Democracy Mailing List Member,

The Commerce Committee of the U.S. House of Representatives yesterday (August 5, 1999) approved H.R. 1714, a bill "to facilitate the use of electronic records and signatures in interstate or foreign commerce."

The bill seems fine as far as it goes, but it doesn't provide for the use of digital signatures in transactions between citizens and their government. Legalizing such transactions on a digital basis would go a long way towards legalizing Internet-based voting. In fact, it probably WOULD legalize Internet voting.

So I'm sending you a copy of this bill as approved by the House Commerce Committee in hopes that you will read it, become familiar with it, and then work together with us to convince the Congress that expanding the coverage of this legislation to make it possible for people to file income tax returns, write their Representatives and Senators in an authoritative manner, collect the government benefits to which they are entitled, and otherwise interact securely and conveniently with their government, including as voters in elections, would provide significant benefit to citizens and government alike and that such coverage should be included in the final version of H.R. 1714 as it passes the House and the Senate and is signed into law (maybe digitally) by President Clinton.

Sincerely,

Marc Strassman
Executive Director

Campaign for Digital Democracy

HR 1714 IH

106th CONGRESS

1st Session

H. R. 1714

To facilitate the use of electronic records and signatures in interstate or foreign commerce.

IN THE HOUSE OF REPRESENTATIVES

May 6, 1999

Mr. BLILEY (for himself, Mr. DAVIS of Virginia, Mr. TAUZIN, Mr. OXLEY, Mr. TOWNS, and Mr. FOSSELLA) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To facilitate the use of electronic records and signatures in interstate or foreign commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Electronic Signatures in Global and National Commerce Act'.

TITLE I--VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES FOR
COMMERCE

SEC. 101. GENERAL RULE OF VALIDITY.

(a) GENERAL RULE- With respect to any contract or agreement entered into in or affecting interstate or foreign commerce--

(1) no statute, regulation, or other rule of law shall deny the legal effect of such contract or agreement on the ground that the instrument is not in writing if the instrument is an electronic record; and

(2) no statute, regulation, or other rule of law shall deny the legal effect of such contract or agreement on the ground that the contract or agreement is not signed or is not affirmed by a signature if the contract or agreement is signed or affirmed by an electronic signature.

(b) AUTONOMY OF PARTIES IN COMMERCE- With respect to any contract or agreement entered into in or affecting interstate or foreign commerce, the parties to such contract or agreement may establish reasonable requirements regarding the types of electronic records and electronic signatures acceptable to such parties.

SEC. 102. AUTHORITY TO ALTER OR SUPERSEDE GENERAL RULE.

(a) IN GENERAL- Except as provided in subsection (b), a Federal or State statute, regulation, or other rule of law enacted or adopted after the date of enactment of this Act may modify, limit, or supersede the provisions of section 101 if--

(1) such statute, regulation, or rule makes specific reference to the provisions of section 101;

(2) specifies the alternative procedures or requirements for the use of electronic records or electronic signatures to establish the legal validity of contracts or agreements; and

(3) in the case of a State statute, regulation, or other rule of law, is enacted or adopted within 2 years after the date of enactment of this Act.

(b) EFFECT ON OTHER LAWS- A State statute, regulation, or other rule of law that modifies, limits, or supersedes section 101 shall not be effective to the extent that such statute, regulation, or rule--

(1) discriminates in favor of or against a specific technology, method, or technique of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures;

(2) discriminates in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic records or electronic signatures;

(3) is not based on specific and publicly available criteria; or

(4) is otherwise inconsistent with the provisions of section 101.

(c) ACTIONS TO ENJOIN- Whenever it shall appear to the Secretary of Commerce that a State has enacted or adopted a statute, regulation, or other law that is prohibited by subsection (b), the Secretary may bring an action to enjoin the enforcement of such statute, regulation, or rule, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond.

SEC. 103. SPECIFIC EXCLUSIONS.

The provisions of section 101 shall not apply to--

(1) a statute, regulation, or other rule of law governing the creation and execution of wills, codicils, or testamentary trusts; or

(2) a statute, regulation, or other rule of law governing adoption, divorce, or other matters of family law.

SEC. 104. DEFINITIONS.

For purposes of this title:

(1) ELECTRONIC RECORD- The term `electronic record' means a writing, document, or other record created, stored, generated, received, or communicated by electronic means.

(2) ELECTRONIC SIGNATURE- The term `electronic signature' means a signature in electronic form, attached to or logically associated with an electronic record, that--

(A) is intended by the parties to signify agreement to a contract or agreement;

(B) is capable of verifying the identity of the person using the signature; and

(C) is linked to the electronic record in a manner that prevents alteration of the record after signature.

(3) ELECTRONIC- The term `electronic' means of or relating to technology having electrical, digital, magnetic, optical, electromagnetic, or similar capabilities regardless of medium.

PRODUCTS
AND
SERVICES
TITLE II--DEVELOPMENT AND ADOPTION OF ELECTRONIC SIGNATURE

FOREIGN
SEC. 201. TREATMENT OF ELECTRONIC SIGNATURES IN INTERSTATE AND
COMMERCE.

(a) INQUIRY REGARDING IMPEDIMENTS TO COMMERCE-

(1) INQUIRIES REQUIRED- Within 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall complete an inquiry to--

(A) identify any domestic and foreign impediments to commerce in electronic signature products and services and the manners in which and extent to which such impediments inhibit the development of interstate and foreign commerce;

(B) identify constraints imposed by foreign nations or international organizations that constitute barriers to providers of electronic signature products or services; and

(C) identify the degree to which other nations and international organizations are complying with the principles in subsection (b)(2).

(2) SUBMISSION- The Secretary shall submit a report to the Congress regarding the results of each such inquiry within 90 days after the conclusion of such inquiry.

(b) PROMOTION OF ELECTRONIC SIGNATURES-

(1) REQUIRED ACTIONS- The Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall promote the acceptance and use, on an international basis, of electronic signatures in accordance with the principles specified in paragraph (2) and in a manner consistent with section 101 of this Act. The Secretary of Commerce shall take all actions necessary in a manner consistent with such principles to eliminate or reduce, to the maximum extent possible, the impediments to commerce in electronic signatures, including those identified in the inquiries under subsection (a) for the purpose of facilitating the development of interstate and foreign commerce.

(2) PRINCIPLES- The principles specified in this paragraph are the following:

(A) Free markets and self-regulation, rather than government standard-setting or rules, should govern the development and use of electronic records and electronic signatures.

(B) Neutrality and nondiscrimination should be observed among providers of and technologies for electronic records and electronic signatures.

(C) Parties to a transaction should be permitted to establish reasonable requirements regarding the types of electronic records and electronic signatures acceptable to such parties.

(D) Electronic records and electronic signatures in a form acceptable to the parties should not be denied legal validity on the ground that they are not in writing.

(E) De jure or de facto imposition of standards on private industry through foreign adoption of regulations or policies with respect to electronic records and electronic signatures should be avoided.

(c) FOLLOWUP STUDY- Within 3 years after the date of enactment of this Act, the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall conduct an inquiry regarding any State statutes, regulations, or other rules of law enacted or adopted after such date of enactment pursuant to section 102(a), and the extent to which such statutes, regulations, and rules comply with section 102(b). The Secretary shall submit a report to the Congress regarding the results of such inquiry by the conclusion of such 3-year period and such report shall identify any actions taken by the Secretary pursuant to section 102(c) and subsection (b) of this section.

(d) CONSULTATION- In conducting the activities required by this section, the Secretary shall consult with users and providers of electronic signature products and services and other interested persons.

TITLE III--USE OF ELECTRONIC RECORDS AND SIGNATURES UNDER FEDERAL SECURITIES LAW

(a) AMENDMENT- Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following:

(h) REQUIREMENTS RELATING TO WRITTEN DOCUMENTS AND
SIGNATURES-

 (1) USE OF ELECTRONIC RECORDS AND SIGNATURES- Notwithstanding any State statute, regulation, or rule of law, whenever in the securities laws, or in the rules or regulations thereunder (including the rules of any self-regulatory organization)--

 (A) a contract, agreement, or record (as defined in subsection (a)(37)) is required to be in writing, or is required to be authenticated by means of an instrument in writing, the legal effect of such contract, agreement, or record shall not be denied on the ground that the instrument is not in writing if the instrument is an electronic record; and

 (B) a contract, agreement, or record is required to be signed, the legal effect of such contract, agreement, or record shall not be denied on the ground that contract, agreement, or record is not signed or is not affirmed by a signature if the contract, agreement, or record is signed or affirmed by an electronic

 (2) AUTHORITY OF COMMISSION- Notwithstanding any State statute, regulation, or rule of law, the Commission may, consistent with the public interest and the protection of investors, prescribe regulations to carry out this subsection, but such regulations shall not--

 (A) discriminate in favor of or against a specific technology, method, or technique of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures; or

 (B) discriminate in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic records or electronic signatures.

 (3) DEFINITIONS- The terms 'electronic record' and 'electronic signature' have the meanings provided such terms by section 104 of the Electronic Signatures In Global and National Commerce Act.'.

**Message Number 70 for
Campaign for Digital Democracy
Mailing List**

Date:

Aug 12 1999 02:21:00 EDT

From:

"Campaign for Digital Democracy"

Subject:

Listen to Gary Beach Make the Case for Internet Voting on NPR

Dear Campaign for Digital Democracy Mailing List Subscriber,

I'd like to suggest that you visit our site at <http://www.votesite.com> when you have a few minutes, click over to the MediaWall, and listen to the new audio clip you'll find at the top of the page.

It's of Gary Beach, publisher of CIO (Chief Information Officer, not Congress of Industrial Organizations) magazine. He clearly and forcefully makes the case for allowing voters to register and vote online. He makes the case as a guest editorialist on All Things Considered, so his message has now been heard by many thoughtful citizens and opinion leaders around the country.

I think that this moment really marks the beginning of the mainstreaming of Internet voting as an issue in national politics, and this can only mean an increased likelihood that people in the individual states will now begin to consider this option more seriously and thoroughly.

When you're finished listening to him, you can click on the link immediately to the right of the audio clip link, and read the editorial he wrote and published in the May 1, 1999 issue of CIO. It makes many of the same points he made over the air.

If you have friends or associates who you think might benefit from hearing what he has to say, please send them this <http://www.votesite.com> link as well, along with your recommendation that they visit there and listen to his clip.

Speaking of things to listen to, if all goes well, I will soon be participating as a panelist at the "The Frontier of Internet Politics" conference, on September 16, 1999, at the Ronald Reagan International Trade Center, in Washington, D.C. Roll Call newspaper and the law firm of Perkins Coie LLP will be co-sponsoring this event, which will be broadcast on C-SPAN and webcast over DCOorbit, at <http://www.dcorbit.net>.

This inflection point in the evolution of online politics will take place between 2 pm and 5 pm, Eastern Daylight Time. If you can, please try to tune in.

Sincerely,

Marc Strassman
Executive Director
Campaign for Digital Democracy

**Message Number 71 for
Campaign for Digital Democracy
Mailing List**

Date:

Aug 12 1999 13:48:30 EDT

From:

"Campaign for Digital Democracy"

Subject:

Using the Internet to Enhance Citizen-to-Government Communications

Dear Campaign for Digital Democracy Mailing List Member,

Elections come once every year, or once every two years, but citizens want to let their elected representatives and executives know how they feel much more often than that.

In addition to being used for online voting, the Internet could become a tool for rapid, secure, flexible communication between the governors and the governed, if its capabilities were more fully put to work in this area.

Steven Clift, Minnesota's gift to electronic democracy, is now working to facilitate this scenario by setting up a working group to investigate ways to effectively use the Net for constituent-to-official communications.

Below is a mailing he sent out today on this subject. If you'd like to get involved in this effort, please do so.

Sincerely,

Marc Strassman
Executive Director
Campaign for Digital Democracy

Please pass this on to those you know in legislatures and parliaments or governor, president, and prime minister offices who are working on technical solutions to handle incoming electronic correspondence from the public.

Thank you,
Steven Clift, <http://www.publicus.net>
P.S. To join DO-WIRE, see the bottom of this post.

*** Democracies Online Newswire - <http://www.e-democracy.org/do> ***

Public Electronic Correspondence Service Systems - PECSS
By Steven Clift <<http://www.publicus.net>>
Draft 1.0, Wednesday, August 11, 1999

E-mail is an essential Internet tool used by citizens. It is the most frequently used and personally controlled online experience by the most people "on" the Internet.

The effective use of e-mail for public correspondence to and from elected officials and government is running into significant barriers, particularly at higher levels of government. These barriers are primarily technical due to the lack of integration with existing constituent service systems and therefore manual requirements for sorting and responding to e-mail are administratively overwhelming. E-mail is becoming the least effective way for the average online citizen to interact with elected officials (expect perhaps at the local level), while becoming the most effective way for active citizens to communicate informally with the elected official staff. E-mail should not become a tool just for insiders and those who already know workings of the democratic system.

The technical options for electronic correspondence, including e-mail, web forms, and other forms of real-time communication over the Internet need to be explored. There is a significant opportunity for the technical developers within government to connect with the broader Internet community to develop software and share advice in order to build solutions that can be shared widely around the world. With scores of parliaments, legislatures, Presidents, Prime Ministers, and Governors addressing this concern, the problem is being solved somewhere - let's share our experiences and ensure an effective future for online communication between and among citizens and their government.

Below is a technical scenario that attempts to describe the challenge and possible solutions.

An e-mail list is being established for those interested in technical solutions to this problem. This is a "can do" not an "ought to" information exchange space. If you would like to join the charter group to develop this e-mail list, please fill out the following form:

Name:
E-mail:
Personal home page:
Title:
Organization:
Organization URL:
Duties:

Related Experience:

Role you'd like to play:

Cut and paste the form above and send it to:
do-email-owner@egroups.com

I'll collect the names to start the list, but it will be up to those more closely involved with the issue to lead the effort.

Public Electronic Correspondence Service Systems Technical Options Outline

Public Electronic Correspondence Service Systems (PECSS) should be designed for the following purposes:

1. To encourage citizens to interact *effectively* with elected officials and their government.
2. To reduce the administrative load of online citizen communication to government while ensuring its role as a useful and improved input system into the political process and government as a whole.
3. Promote competition among traditional constituent service systems to integrate e-mail services into those existing systems.

If used right, online public input into the government will improve the decision-making process and actually reduce the total administrative load of constituent contact as a whole. However, with the current single in-box implementation and simple auto-respond services, most electronic mail at the higher levels of government is not viewed by human eyes or responded to directly. It could be argued that the interest group based protest-style correspondence in all forms is slowing down the representative process and all input is become simply a numbers game. Then again, the increasing levels of direct citizen contact organized by interest groups or based on individual interest may represent a new era in participation that sorely needs advanced technical solutions to ensure that direct participation becomes a positive and integrated part of the democratic process. Regardless of your view we have a problem that needs to be solved.

One possible scenario calls for an integrated e-mail and web form system that can be administered in a distributed fashion via a web interface by multiple offices in a legislature or parliament or by specific sections of a government executive office. With government agencies around the world involved, this may become the best opportunity for an open source software development project led within government yet infused with the knowledge and technical expertise of the Internet community.

Step-by-step

1. Citizen sends e-mail to politician@their.gov
2. System analyzes incoming e-mail for basic e-mail only system.
 - A. Postal code search or other evidence of full address determined.
 - B. Filter those with district postal codes to special incoming e-mail folder.
 - C. Auto-respond to those with addresses, thank them for message and disclose response policy.
 - D. Auto-respond to those without address information and include simple text form and original message asking for their full address and disclose response policies.

- OR -

3. System analyzes incoming e-mail for extended e-mail only

system .

A. All messages receive auto-respond message with text of original message, a text form for basic address information and their e-mail response policy.

B. Auto-respond includes details on specific in-boxes established for specific topics (i.e. education@governor.state.mn.us) as well as self-help URL to web advice government service issues for specific agencies.

C. Special auto-respond messages are established with the topic address providing a FAQ on related policy areas and discloses further response advice (i.e. write a letter, call, or if this message does not answer your question, send further e-mail queries to XYZ address.

- OR -

4. System analyzes incoming e-mail for use with integrated web response system option .

A. All messages receive an auto-respond message with the text of the original message and an URL link to where incoming electronic correspondence should be submitted.

B. Those without web access are given further e-mail options and advice.

C. The web form allows the citizen to type in specific address information for easy database integration, to choose the appropriate topic box, to check other Q and A boxes to help determine the appropriate response, and a box to cut and paste or type a new message.

D. Citizens are provided access to government answer FAQs (frequently asked questions) to promote self-service

E. Web confirmation assures a citizen that their message has been received, describes what will happen to it, and provides an opportunity to request a formal written response or indicate that they are satisfied that their input has been received and does not require further response.

Note: In all these scenarios, intranet web access by the office of each elected official would greatly assist composition and display of auto-responses and other options. This system also points to a situation where the day-to-day e-mail address of an elected official is separate from the incoming e-mail box. In state legislatures and smaller nations these addresses are combined for the most part.

5. Auto-response systems should include URLs or additional information on places where citizens can discuss issues online

with each other. Most of the ongoing discussion places will be non-governmental, but topic and time-limited online town halls sponsored by elective bodies is a developing trend. In the end citizens want to heard and perhaps the most important response is a tip on where to go for interaction that is not on the shoulders of the elected official. For more information see <<http://www.e-democracy.org/do/commons.html>>.

6. System automatically ports required e-mail and web form messages into the traditional constituent response system with address details for tailored official response from the elected official as required. In many cases traditional correspondence is routed by government executive offices (i.e. Governors) to specific agencies for a response and request to be copied a reply with a specific case number. A web-based system would allow agencies to assist executive offices with responses by establishing an integrated interface to assist a similar digital routing process.

7. Additional opt-in e-mail list services are established based on policy topics or types of communication such as press releases, public schedule, etc. for ongoing communication with interested citizens.

8. With the use of opt-in e-mail list services to garner awareness about decisions on a particular issue additional use of web response (informal polling, comment forms, idea boxes, etc.) and e-mail input may be used to gauge public response from active citizens.

If you have comments or suggestions on how to improve this scenario document please send them to <clift@publicus.net>.

*** Please send submissions to: DO-WIRE@TC.UMN.EDU ***
*** To subscribe, e-mail: listserv@tc.umn.edu ***
*** Message body: SUB DO-WIRE ***
*** To unsubscribe instead, write: UNSUB DO-WIRE ***

^ ^ ^ ^
Steven L. Clift - W: <http://www.publicus.net>
Minneapolis - - - E: clift@publicus.net
Minnesota - - - - T: +1.612.822.8667
USA - - - - - - ICQ: 13789183

- - - - -

Steven Clift - E: clift@publicus.net - ICQ: 13789183
3424 Fremont Avenue S, Minneapolis, MN 55408 USA
T:+1.612.822.8667 W: <http://www.publicus.net>
Web White & Blue - <http://webwhiteblue.org>

- - - - -

Message Number 72 for Campaign for Digital Democracy Mailing List

Date:
Aug 15 1999 05:30:25 EDT
From:
"Campaign for Digital Democracy"
Subject:
Reply to Deborah Phillips

Dear Member of the Campaign for Digital Democracy Mailing List,

While I am now employed as the Director of Business Development, Political Jurisdictions, at Votation.com, Inc., in Garden City, New York, I previously worked as Executive Vice President and Chief Legislative Officer at eBallot.net, located near Seattle, Washington. In fact, I co-founded eBallot.net, along with Dale Miller, who is still its President.

So I was glad to receive the other day an e-mail from Dale alerting me to some recent pronouncements by Deborah Phillips, President of the Voter Integrity Project in Arlington, VA, in which she bitterly attacks the whole concept of Internet-based voting.

I was glad to hear from my former colleague and I was glad to see, when I read the press release about the study showing that Internet voting was a very bad idea, that someone had finally arisen to make a principled attack on something I'd been working for some time to bring about. Now maybe we can jump-start a public debate about Internet voting.

This being the Internet, there's no need for me to include a copy of this press release. You can click to it yourself at:

<http://www.voting-integrity.org/text/rel081299.htm>

and you can read the underlying study at:

http://www.voting-integrity.org/projects/votingtechnology/internetvoting/ivp_0_toc.htm

So far, I've read the press release and the scintillatingly-clever Table of Contents. I hope to read the entire paper and provide a more detailed rebuttal by the end of this week. For now, I just want to comment briefly on what Ms. Phillips says through her Project's press release.

Sounding a bit like a political urologist, President Phillips begins by warning us against what she calls "premature implementation," which she says "carries a massive potential for stolen, manipulated or thwarted elections."

Using a graphic image far more striking than any used so far on websites pushing for Internet voting, Phillips simultaneously flatters Internet voting proponents with implications of power and momentum beyond their own imaginings and tries to create a visual analogy that is as inaccurate as it is melodramatic.

"Internet voting," she says, "is coming on like a loaded semi with no brakes and no lights barreling down the information superhighway in heavy fog."

To which one can only reply, "WoooooHooooo."

She follows this up with a sensible suggestion, saying "let's apply the brakes and put on the lights before implementing Internet voting in any jurisdiction."

Brakes. Lights. Less action. Great. As long as putting on the brakes doesn't mean a nasty collision, as the Future accelerates right through us as we sit dormant and helpless on the tracks at the ground-level crossing of global democratic evolution. Of course put on the lights of research, polling, public discussion, and experimentation before trusting our elections to untested technology. No problem here.

Apparently, actual efforts to kindle these lights aren't to Phillips' liking. The press release continues:

Phillips cited activities in California, Florida and Washington State to study Internet voting, and a wave of euphoric public statements by Internet voting proponents as cause for concern, given recent Internet security problems and the lack of public debate on the issue of Internet Voting.

We need more light, but she's concerned about official government efforts to actually shed it in these three states. As the earliest, and, I hope, still the most euphoric of public-statement-making proponents of Internet voting, I nevertheless share Ms. Phillips concern about the lack of public debate on the pros and cons, costs and benefits, of allowing citizens to register to vote, vote in elections, and sign initiative petitions online.

Not that Internet voting, pro or con, has the moral significance of perpetuating or abolishing human slavery, but if Ms. Phillips wants to revive the Lincoln-Douglas debates of 1858 in order to address the issue of electronic online voting, I, for one, would be glad to fill in for President Lincoln and defend the proposition that we need more, not less, democracy. I'm sure that, using the Net, we would be heard far more easily (and far more widely) than were the original debaters.

But by calling for more attention to the issue while rejecting such attention as it is already getting, Phillips brings to mind former Governor Pete Wilson, who, in October, 1997, vetoed a bill, AB44, that would have, among other things, studied how to make Internet voting systems secure, saying, incoherently:

Although current encryption technology is making advances in providing a more secure environment to prevent tampering by third parties, no one can yet guarantee a completely safe, tamper-proof system. Without such a guarantee, a study is premature.

Cordially,

PETE WILSON

Phillips' statement that: "And once one state implements, there will be a rush by other states to offer such systems" is something we can certainly hope for, but there is no guarantee of this, of course.

California passed a medical marijuana initiative in 1996. This opened the floodgates to the passage of an even stronger such measure in Arizona in 1998. And medical marijuana is probably more controversial than Internet voting will ever be. There was no rush to mimic the Golden State in this area and it remains difficult to predict if the approval by California voters of the proposed California Internet Voting Initiative (CIVI) in November, 2000, will spur similar changes elsewhere. But one can certainly hope it does.

Her comments in the final two paragraphs are illogical, muddled, and disingenuous:

Phillips also said that statistics on Internet use raise concerns that Internet voting will only increase access for some while raising the possibility that access could be manipulated to favor certain candidates or issues.

The California Internet Voting Initiative, for example, is extreme in its commitment to making Internet-based voting easily accessible to every single eligible voter, not just owners and users of super-new and super-powerful home and office computers. Even though Sega has just announced the launch of a game-playing machine with a built in modem that can deliver web access (and hence Internet voting access, once a method for storing and using digital certificates in these machines can be formulated and implemented), and even though both Sprint PCS and AirTouch have announced systems providing Net access through cellular phones, even though the cost of computers keeps dropping and access to them and their daily use are moving past commonplace into the realm of background, even in the face of all of these developments, the CIVI still spells out how computers in schools, libraries, and in public kiosks in shopping malls and elsewhere are to be made available for those voters who want to vote online but don't have access to their own computer at home or at work.

Even the formulation "their own computer" is already an anachronism, as citizens increasingly access the web from "digital appliances" of all types, including the game machines and cellular phones mentioned above, "dashboard digital appliances" in cars (General Motors last week announced a \$1 billion commitment to putting themselves on the Internet and the Internet in their products), and all manner of new and as yet-unlaunched, if not undesigned, means of accessing the increasingly-ubiquitous net.

Putting elections, registration, and initiative petition signing into cyberspace by legalizing Internet voting systems employing digital certificate technology will piggyback on top of this growing ubiquity and it will speed its arrival, by letting people do online something they want to do anyway, but have, of late, not been able to because they are too busy, not because they are too apathetic.

How will access "be manipulated to favor certain candidates or issues"? Will some candidates go around putting cloaks of invisibility over the Internet access devices of the demographic groups they've decided won't be voting for them? The CIVI outlaws any tampering, manipulation, fraudulent use, or other dishonest and inappropriate attempts to bias online election returns.

"Despite rapid expansion of Internet use, the typical user is still an under-35 affluent male college graduate," Phillips noted. "This could increase the disparity of voting among different population groups."

What?!? Even if Phillips' contention about who's online were true (which it isn't, since almost half of those online now are women, Netizens are not all affluent, and most of them haven't graduated from college), it might not be a bad idea to make it easier for those under 35 to vote (while also making it easier for those 35-and-older to do so as well), since so few of them bother to do so now.

Of course, doing so then causes some to raise the objection that it's wrong to make it easier for people to vote at all, since only by showing a requisite amount of mettle can citizens legitimately earn the right to vote. The only flaw in this argument is that there is no constitutional requirement that a citizen needs to endure certain (arbitrary) hardships to be able to vote. A constitutional right is a right precisely because one need do nothing (beyond being a citizen in the case of voting) to earn it.

Previously, barriers HAVE been erected between a citizen and their right to vote. Among these barriers have been: not owning property, not being of European extraction, not being of the male persuasion, not being able to pay a poll tax, and not being able to interpret a section of the U.S. Constitution to the satisfaction of election officials.

None of these barriers still exists in law today, but there ARE barriers to voting that exist in a time of two-career, or single-parent, families, perpetual traffic jams, extreme professional and personal demands on one's time, and other obstacles to exercising the franchise. Internet voting will make some difference in people's ability to participate in the selection of the candidates who and the policies which will govern them. Is it asking too much to allow them to use the same technology they already use to pay bills, do their banking, invest, chat with friends, and, in some cases, monitor their nannies as they care for their children to facilitate their own self-governance?

Finally, if Ms. Phillips and her Voter Integrity Project are that worried about increasing "the disparity of voting among different population groups," which is already extreme, and growing, without any Internet voting at all, then perhaps they ought to try to do something about the disparities in income, education, access to transportation, and general mindset that distinguish those with low voter turnout rates from those whose rates are already high and are not likely to change much with the advent of Internet voting.

A well-implemented Internet voting system, such as that mandated by the California Internet Voting Initiative, has the potential, by making it easier for everyone to vote, to remedy the current disparity which, in

fact, results in much higher voting participation rates for older and, how can I put this delicately, whiter, voters. It is, in the end, the fears of Ms. Phillips and other Republican activists that individuals and groups who are not like them, who have different substantive agendas, will begin to exercise their constitutional right to vote and elect representatives and pass initiatives not to their liking, and not any concern for the procedural integrity of the voting process, which is well- and redundantly-protected under proposed Internet voting legislation, which leads them to characterize the movement towards Internet voting as a runaway truck hurtling through the dark, heading, they must secretly fear, right at the m.

The movement for Internet voting is, to the contrary, an expression of the collective desire of a vast array of people to use the best tools available to build a post-millennial America worthy of their dreams and aspirations, and suitable as a sustainable environment for themselves and their descendants.

Message Number 73 for Campaign for Digital Democracy Mailing List

Date:
Aug 28 1999 15:32:04 EDT
From:
"Campaign for Digital Democracy"
Subject:
DSL Users Group mailing list

Anyone interested in learning more about DSL (Digital Subscriber Line) technology or in sharing their experiences with it is invited to join the DSL Users Group mailing list.

You can sign up at:

<http://DSLUsersGroup.listbot.com>

This is a moderated list, so all communications will be screened before being sent to the list. Please join and share with others what you know about this new way of getting more bits faster. Those with questions are encouraged to send them as well.

We aspire to be the premiere online community for DSL users and pre-users.

Sincerely,

Marc Strassman
Moderator
DSL Users Group

Message Number 74 for Campaign for Digital Democracy Mailing List

Date:
Aug 28 1999 21:56:37 EDT
From:
"Campaign for Digital Democracy"
Subject:
Defending Against Another Attack on Internet Voting

Rick Valelly is an associate professor of political science at Swarthmore College. In The New Republic's September 13/20 issue, he joins the ranks of those defending the electoral status quo against what he perceives to be the onslaught of Internet voting.

In the interest of brevity AND to protect all relevant intellectual property rights, let me refer you directly to his comments, which you can find at:

<http://www.tnr.com/magazines/tnr/current/valelly091399.html>

I replied with a letter to the editor:

To the Editor:

Of course the concept of a virtual public sphere is not a contradiction in terms. In fact, it's a thriving reality, in which almost every form of political activity except voting is taking place with increasing breadth and intensity as we speak. Using the Internet to disseminate all types of political discourse, from the profound to the banal, to recruit and

mobilize volunteers, for fundraising, and for the distribution and collection of information about candidates and issues, from sources both partisan and non-, is now the most vivid and cutting-edge space in politics.

Ungated communities and flourishing one-on-one and one-to-many communications exist in cyberspace today in ways in which they apparently cannot or at least do not exist in legacyspace. Barriers of class, race, gender, age, and location disappear in cyberspace, as they do not in legacy space. Adding the right to vote over the Internet is, in the most profound sense, giving these communities and the people that live in them the right to vote where they live.

Sincerely,

Marc Strassman

Executive Director, Campaign for Digital Democracy

<http://www.votesite.com>

Director of New Business Development, Political Jurisdictions, Votation.com

<http://www.votation.com>

If you want to contact the editor of The New Republic, to express your own views or to urge him or her to publish my letter online and in the paper version of their magazine, you can do so at:

tnr@aol.com

Regards,

Marc Strassman

Message Number 75 for Campaign for Digital Democracy Mailing List

Date:

Sep 09 1999 13:36:50 EDT

From:

"Campaign for Digital Democracy"

Subject:

Frontiers of Internet Politics Webcast

On Thursday, September 16, 1999, I'll be participating in the "Frontiers of Internet Politics" conference in Washington, D.C.

You're invited to attend, over the Web.

The "Frontier of Internet Politics" webcast will be found on
<http://www.dcorbit.net/frontier.html>

Just prior to the event start time and throughout the event, there will be live link to view the Webcast. Following the event, an archived version of the webcast will be available for viewing.

Viewers need a Real Player (there is a link on the page to get a player).

See you there.

Regards,

Marc Strassman
executive director
campaign for digital democracy
<http://www.votesite.com>

Message Number 76 for Campaign for Digital Democracy Mailing List

Date:
Sep 13 1999 19:35:21 EDT
From:
"Campaign for Digital Democracy"
Subject:
Igniting the Swarm

For the latest mention of Internet voting in the national media, go to:

http://www.newsweek.com/nw-srv/issue/12_99b/printed/us/st/sr0612_4.htm

Message Number 77 for Campaign for Digital Democracy Mailing List

Date:
Oct 13 1999 16:10:48 EDT
From:
"Campaign for Digital Democracy"
Subject:
Invitation to Join Democracies Online Newswire

*** Democracies Online Newswire - <http://www.e-democracy.org/do> ***

This is an invitation to join the Democracies Online Newswire. I have been on DO-WIRE for sometime now and find it a valuable service.

Read the short instructions below and join me on this useful and interesting volunteer run service.

Democracies Online Newswire - <http://www.e-democracy.org/do>

>> Join the Democracies Online Newswire - DO-WIRE@TC.UMN.EDU <<

DO-WIRE is a low volume, moderated, e-mail announcement list covering the convergence of democracies and the Internet around the world.

Around 1 to 5 "best of" posts are forwarded each week from civic, political, academic, government, media, and private sector sources. Posts highlight articles, calls for papers, new projects, online events, online resources, research, conferences, and URLs to important news stories. The 700 newswire subscribers around the world are the primary content contributors to this service.

An archive of past posts is available directly from:
<http://www.egroups.com/group/do-wire/>

To SUBSCRIBE for direct e-mail delivery, please send a message to:

LISTSERV@TC.UMN.EDU
In the body of your message, write:
SUBSCRIBE DO-WIRE "Your Name (Place)"

Please note that you will be asked to confirm your subscription
via e-mail.

>> DO-WIRE Submission Information <<

Submissions to the Democracies Online Newswire are encouraged.
Please send your proposed submissions to:

DO-WIRE@TC.UMN.EDU

Please forward this message to others. Thank you.

^ ^ ^ ^
Steven L. Clift - W: <http://www.publicus.net>
Minneapolis - - - E: clift@publicus.net
Minnesota - - - - - T: +1.612.822.8667
USA - - - - - ICQ: 13789183

*** Please send submissions to: DO-WIRE@TC.UMN.EDU ***
*** To subscribe, e-mail: listserv@tc.umn.edu ***
*** Message body: SUB DO-WIRE ***
*** To unsubscribe instead, write: UNSUB DO-WIRE ***

*** Please forward this post to others and encourage ***
*** them to subscribe to the free DO-WIRE service. ***

Message Number 78 for Campaign for Digital Democracy Mailing List

Date:
Oct 14 1999 18:29:10 EDT
From:
"Campaign for Digital Democracy"
Subject:

Votation.com To Participate in Historic Digital Signatures Event in New York City and Long Island

On October 21, 1999, Votation.com will be participating in an historic event in the evolution of the digital technologies that underlie Internet-based voting. Here's the invitation to that event:

What: You are cordially invited to attend the first known signing of contract in the State of New York between private companies with a Digital Signature. The contract will be executed over the Internet with one signer in Manhattan and the other on Long Island.

When: Thursday, October 21, 1999 10:00 a.m.

Who is Invited: Members of the press, Internet Industry notables, and political leaders who have been supportive of High Technology in New York.

Why: This event is being staged to highlight New York as a good place for Internet companies to do well. This electronic contract signing is being made possible by the new law recently signed by the governor.

Where: The event will be held in both Manhattan and Long Island simultaneously. Votation.com Inc. will execute the agreement at its offices in Long Island, and Aegis Software Inc. will sign the agreement at its offices in Manhattan.

Manhattan:

Aegis Software Inc.
11 Penn Plaza
Suite 932
New York, New York 10001
212) 268-3100 ext 111

For directions, visit <http://www.aegissoft.com/contact>

Long Island:

Votation.com Inc.
1001 Franklin Avenue
Suite 212
Garden City, New York 11530
(516) 248-7087 Ask for Kathleen Dixon

For directions, visit <http://www.votation.com/directions>

Who are the Parties Signing the Agreement: The historic agreement will be signed on behalf of Votation.com Inc. by its CEO, Joe Mohen, and for Aegis Software Inc. by its President, Stanley Adelman.

RSVP: Anyone interested in attending the event, including members of the press, whether in Manhattan or Long Island, must RSVP to Kathleen Dixon, by telephone (516) 248-7087 or by email to Kathleen@votation.com.

What Type of Contract is Being Signed: This historic contract is an Internet Services Agreement between Votation.com Inc., (<http://www.votation.com>) the global election services company, and Aegis Software Inc., (<http://www.aegissoft.com>) a leading Internet systems integration firm. The signers are expected to be Joe Mohen, CEO of Votation.com, and Stanley Adelman, President of Aegis Software.

Message Number 79 for Campaign for Digital Democracy Mailing List

Date:
Nov 03 1999 13:00:36 EST
From:
"Campaign for Digital Democracy"
Subject:
Slate Article on e-voting

For a well-balanced and thorough analysis of the e-voting issue, as well as an extensive collection of reader comments on the subject, go to:

http://www.slate.com/netelection/entries/99-11-02_44394.asp

Message Number 80 for Campaign for Digital Democracy

Mailing List

Date:
Nov 09 1999 15:59:31 EST
From:
"Campaign for Digital Democracy"
Subject:
Three New Links on VoteSite.com Media Wall

Since the Slate article appeared last week, there have been two additional online editorials about Internet voting and one episode of Nightline dedicated to the subject (on November 8, 1999).

You can check out the Slate article, as well as editorials in the Boston Globe and USA TODAY at:

<http://www.votesite.com>

Click on the icon on the splash page, then use the navigation bar to go to the MediaWall.

Regards,

Marc Strassman
Director of New Business Development, Political Jurisdictions
Votation.com

Message Number 81 for Campaign for Digital Democracy Mailing List

Date:
Nov 19 1999 18:29:53 EST
From:
"Campaign for Digital Democracy"
Subject:
Internet Voting at UC Davis

Dane Waters at the Initiative and Referendum Institute (<http://www.iandrinstute.org/>) just forwarded this news item to me, and now I'm forwarding it to you.

When the students of UC Davis are ready to vote online in real elections, will the election systems of California be ready for them?

Regards,

Marc Strassman
Director of New Business Development, Political Jurisdictions
Votation.com

Online voting makes debut this week at UC-Davis

Updated 12:00 PM ET November 15, 1999

By Mike McDaniel The California Aggie U. California-Davis (U-WIRE) DAVIS, Calif. -- For the first time in the history of UC Davis, students voting in the campus elections will be able to do so from the comfort of a computer.

That's right - ASUCD has joined the ranks of the technologically elite by eliminating paper and Scantron ballots from the UCD campus. Beginning tomorrow at 8 a.m., students can log on to the World Wide Web and vote online at <<http://elections.ucdavis.edu>>. ASUCD President Phong La believes the new voting system will be beneficial. "Voter turnout will increase with online voting," he said. "The new process gives students more time to vote. (Students) can vote at home or on campus. "On other campuses that have switched to online voting, voter turnout has increased," he continued. In an effort to ease the process of voting on campus, the Memorial Union computer lab will be available only for voting Tuesday and Wednesday. ASUCD has also arranged for two computers to be placed inside the ASUCD Coffee House for student voting.

Katie Mullane, the Elections Committee chairperson, said that she expects the process to run smoothly. "This is a brand-new system and the first time that we've done anything online," she said. "The MU computer lab has about 30 computers, and voting takes about five minutes so there shouldn't be a problem. Because there are only two computers in the Coffee House, there might be some lines that form there."

The change to electronic elections was spurred by the elimination of registration card stickers. Students no longer receive a color-coded sticker to place on their registration card, forcing ASUCD to initiate

alternative voting protocol. In the past, ASUCD election workers could check the sticker to ensure current registration. Now, students will need to use a Kerberos password obtained from Information Technology's room inside the Peter J. Shields Library in order to vote in the election.

According to Mullane, obtaining the password to vote is not a long, drawn-out process. "Students can vote using the same password that they use to check their grades or look at their transcript," Mullane said. "If they don't have the password yet, they can go to the Information Technology room in the library." Mullane said the ASUCD Elections Committee is trying to make the process as easy as possible. "When a student is voting on the ballot measures, there will be a link so they can read the text of the measure," she said. The elections committee has also made a detailed handout that explains the voting process for every computer lab on campus.

She added that anyone with questions can go to election headquarters, located in 345 MU. The Internet site will be up and running from 8 a.m. tomorrow until 6 p.m. Wednesday. At that time, students will no longer be able to vote.

(C) 1999 The California Aggie via U-WIRE

Message Number 82 for Campaign for Digital Democracy Mailing List

Date:

Dec 03 1999 13:47:26 EST

From:

"Campaign for Digital Democracy"

Subject:

Vote Early, Vote Once

I've just voted securely online in the first Internet Presidential Primary and you can too. Go to:

http://www.politics.com/elections/elections_frame.htm

and enter the Age of Internet Voting, courtesy of Politics.com in association with Votation.com.

Regards,

Marc Strassman
Director of New Business Development, Political Jurisdictions
Votation.com

Message Number 83 for Campaign for Digital Democracy Mailing List

Date:
Dec 09 1999 14:39:05 EST
From:
"Campaign for Digital Democracy"
Subject:
First Internet Presidential Primary Election Results

The results are in from the First Internet Presidential Primary Election.
See them at:

<http://www.politics.com>

Regards,

Marc Strassman
Director of New Business Development, Political Jurisdictions
Votation.com

Message Number 84 for Campaign for Digital Democracy Mailing List

Date:

Dec 12 1999 00:37:36 EST

From:

"Campaign for Digital Democracy"

Subject:

The Latest on Internet Voting from USA TODAY

USA TODAY is spreading the news about Internet voting far and wide. Here are two recent articles from that newspaper:

Arizona plans internet primary

<http://www.usatoday.com/news/e98/e752.htm>

Glitches must be worked out for e-voting

<http://www.usatoday.com/news/e98/e807.htm>

Regards,

Marc Strassman

Director of New Business Development, Political Jurisdictions

Votation.com

Message Number 85 for Campaign for Digital Democracy Mailing List

Date:

Dec 17 1999 02:38:45 EST

From:

"Campaign for Digital Democracy"

Subject:

First binding online political election agreement digitally signed

To hear a RealAudio version of yesterday's historic digital signing of an agreement between Votation.com and the Arizona Democratic Party setting up the world's first binding online political election, go to:

<http://www.votation.com>

Message Number 86 for Campaign for Digital Democracy Mailing List

Date:

Dec 17 1999 21:22:37 EST

From:

"Campaign for Digital Democracy"

Subject:

Arizona Democratic Party and Votation.com Make History

Here are some links to stories about yesterday's historic agreement between the Arizona Democratic Party and Votation.com to hold the world's first binding online political election on March 10-11, 2000:

Eruption Over E-Voting in Arizona

By James Ledbetter

Slate

http://www.slate.com/netelection/entries/99-12-16_65174.asp

Online primary vote to make history

By Lisa Chiu

The Arizona Republic

Dec. 17, 1999

<http://www.azcentral.com:80/news/1217votenet.shtml>

Arizona Democratic Party Selects Votation.com to Hold World's First
Legally-Binding Public Election Over the Internet

<http://www.votation.com/press/pr99/1216.htm>

Also, the White House has announced its own plans for a national study of Internet voting. Here are two reports about that:

White House orders e-vote study
By Susan Page, USA TODAY

<http://www.usatoday.com/news/e98/e874.htm>

White House Orders Study of Online Voting - Report

http://dailynews.yahoo.com/h/nm/19991217/ts/politics_internet_1.html

Regards,

Marc Strassman
Director of New Business Development, Political Jurisdictions
Votation.com

Message Number 87 for Campaign for Digital Democracy Mailing List

Date:
Dec 22 1999 14:17:55 EST
From:
"Campaign for Digital Democracy"
Subject:
Internet Voting on the Way in the Empire State

Initiatives aren't the only way to bring Internet voting to a state.
Here's news from New York State:

NY to Get Bill Aimed at Internet-Voting Bill / Would allow home
votes via PC
BY: By Mark Harrington. STAFF WRITER
EDITION: ALL EDITIONS
SECTION: Business
DATE: 12-22-1999
A65

As a bill that would allow New Yorkers to cast ballots over the

Internet is prepared for introduction next week, the nation continues to debate whether elections using home PC are fair and secure.

The Electronic Voting Act of 2000, which State Sen. Kemp Hannon (R-Nassau County), plans to sponsor, would authorize the state to "provide all public and private entities the option of conducting votes in many types of elections via the Internet." That bill, which Hannon said he will introduce next week, would allow for Internet voting in state, national and local elections on a legally binding "demonstration" basis before full-scale implementation, which he predicts wouldn't begin for "at least a couple of years." Companies that conduct online elections, such as Votation.com, based in Garden City, would under the Voting Act be authorized to participate in legally binding local or state governmental elections only on a pilot basis. The state would then decide whether to continue or expand voting over the Internet. The bill would provide financial incentives to fund companies' development efforts.

Backers of electronic balloting say it would create a huge opportunity to bring legions of voters who have avoided elections because of inconvenience back into the fold.

While Hannon predicts that New York could be the first to pass such a bill, others question the wisdom of racing toward a system that could potentially be compromised by hackers, encourage vote buying or alienate voters without access to a computer.

The first test of a legally binding public election is scheduled to take place on March 11 in Arizona, where the Democratic Party will use Votation's system in its presidential primary. Votation is negotiating agreements with numerous other states.

"Someone's got to take the first step," said Mark Fleisher, Arizona state Democratic chairman. "Everyone else is afraid to do it. The security is at least as good as absentee ballots ... And if users can vote at 10 p.m. in their pajamas, they'll be happy to do so." Mel Schriberg, president and chief operating officer at Votation, said the Arizona Democrats will be allowed to vote from a home or office PC or from one of 40 Internet-PC-equipped polling stations around the state. E-voters will be allowed to register online or by mail and will receive certificates with a code. The digital certificate assigned to each registered voter will allow the voter to enter their code, their name and date of birth to cast a ballot on screen.

But Deborah Phillips, president of The Voting Integrity Project, an Arlington, Va.-based voter interest group, said it is appalling that Arizona or any state would move toward allowing Internet balloting, even in a primary election, without national standards set by the Federal Election Commission. The White House only last week called for a study on the subject.

"We shouldn't be sacrificing the sanctity of elections on the altar of e-commerce," she said. Most disturbing, she said, is that much of the momentum behind the bills is coming not from states but from companies

that are pressing legislatures to consider their services.

Nonsense, say companies such as Votation.com, vying in a handful of states for the early rights to conduct online elections.

"Our interest is a commitment to help democracy work," said Richard Arends, Votation.com's senior vice president of sales and marketing, who predicted that one state may be ready to conduct its November elections online next year.

Speculation as to which state that might be centers on California, Oregon, Texas and Arizona, where absentee balloting remains high.

But even among states, there is caution.

"We're in favor of anything that increases voting and accuracy, but we are not in favor of anything that decreases minority voting," said Jessica Funkhouser, director of state elections for Arizona, which plans to study the Democrats' use of Internet voting. "We'll see how the public likes it. That'll be of interest to us." Lee Daghlion, director of public information for the New York State Board of Elections, said politics will determine how quickly Internet voting gets implemented in the state. At best, he said, a system could be in place in a few years. More realistically, he said, it could be a decade.

"I think people are more touchy on the security issues when it comes to voting on the Internet than they are about giving their credit card number," he said.

"There's a fear out there of having the technology and the system take away the privacy of it." Even the highly secure encryption and digital certificate systems used by Internet voting companies aren't enough to block disruptions of elections by hackers or international terrorists, said Phillips of the Voter Integrity Project.

"It's akin to putting a lock box in Grand Central Station," she said. For that reason, Phillips advises proceeding with caution.

"We not against Internet voting. We're concerned it be done in a thoughtful manner," she said. "If something goes wrong [EARLY ON]you'll kill Internet voting for all time."

Votehere.Net, the Kirkland, Wash. company that lost out on the Arizona contract but is working with the Republican Party on a primary election in Alaska, agrees to an extent. It was part of a California task force that is expected to recommend using public Internet polling stations rather than home-based voting, at least in the early stages, to limit fraud.

Arizona Democrats "are trying to increase turnout," said James Adler, the company's president and chief executive. "Their goals are admirable but it's important that they balance that against the responsibility of performing a fair and uncompromised election."

ILLUSTRATION/PHOTO: Newsday File Photo - Mel Schrieberg of Votation.com

KEYWORDS: INTERNET

Copyright 1999, Newsday Inc.

By Mark Harrington. STAFF WRITER, NY to Get Bill Aimed at Internet-Voting
Bill / Would allow home votes via PC, 12-22-1999, pp A65.

Message Number 88 for Campaign for Digital Democracy Mailing List

Date:
Dec 23 1999 00:12:57 EST
From:
"Campaign for Digital Democracy"
Subject:
One Side of the Debate on Internet Voting

For one side of the debate on Internet voting (the con side), listen to
this morning's report on National Public Radio.

<http://search.npr.org/cf/cmn/cmnpd01fm.cfm?PrgDate=12/22/1999&PrgID=3>

Message Number 89 for Campaign for Digital Democracy Mailing List

Date:
Dec 27 1999 23:53:53 EST
From:
"Campaign for Digital Democracy"
Subject:
CIVI Title and Summary Released

The Office of California's Attorney General today released the official
version of the Title and Summary of the California Internet Voting

Initiative. This official Title and Summary will form the basis of the initiative petitions that will soon begin circulating throughout the state, on- and offline.

The initiative petitions calling for placing the CIVI on the November, 2000, ballot will need to be signed by 419,261 eligible California voters.

More news soon about where you and others will be able to access online copies of this petition.

For now, here's the official language:

The Attorney General of California has prepared the following title and summary of the chief purposes and points of the proposed measure:

INITIATIVE ELECTIONS. USE OF INTERNET FOR VOTER REGISTRATION AND VOTING.

STATUTE. Authorizes use of Internet for electronic voter registration and for casting ballots in direct primary elections, statewide general elections, special elections, and other public elections. Specifies standards for Internet voting systems. Requires Secretary of State to test and certify voting systems to accredit means of identifying and authenticating voters, to protect voter confidentiality, and to adopt rules and regulations governing Internet voting procedures. Requires counties to offer Internet option to all voters. Criminalizes efforts to interfere with Internet election system; specifies penalties. Preserves traditional voting methods.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: One-time costs to local governments, probably several tens of millions of dollars statewide for initial establishment of Internet registration and voting systems, with ongoing annual costs probably ranging from the millions of dollars to the low tens of millions of dollars statewide. One-time costs to State of developing standards for Internet voting and registration and of implementing other provisions, probably in the tens of millions of dollars, with ongoing implementation costs that could reach several million dollars annually. State costs could be partly offset to the extent that fees are charged to local governments or private vendors seeking accreditation of Internet election systems.

Regards,

Marc Strassman
Director of New Business Development, Political Jurisdictions
Votation.com

**Message Number 90 for
Campaign for Digital Democracy
Mailing List**

Date:
Jan 06 2000 21:22:15 EST
From:
"Campaign for Digital Democracy"
Subject:
A View from Britain

There's interesting coverage of the current state of Internet voting, with a focus on the upcoming online Arizona Democratic primary, in this article from the Guardian, in London:

<http://www.newsunlimited.co.uk/Columnists/Column/0,5673,119354,00.html>

Regards,

Marc Strassman
Executive Director
CIVIX

**Message Number 91 for
Campaign for Digital Democracy
Mailing List**

Date:
Jan 07 2000 12:49:15 EST
From:
"Campaign for Digital Democracy"
Subject:
Online Presidential Selector

To see which presidential candidate most closely agrees with your own views, go to:

<http://www.govote.com/>

Message Number 92 for Campaign for Digital Democracy Mailing List

Date:

Jan 11 2000 03:27:26 EST

From:

"Campaign for Digital Democracy"

Subject:

Questions on Internet Voting

The California Internet Voting Initiative Campaign Committee will soon open its effort to bring Internet voting to California by launching a new website at <http://www.civix.org>. One part of this site will be a page where people can ask questions about Internet voting and receive answers to them.

In order to do this properly, we'd like to compile a list of the 20 most important questions that people are likely to ask about Internet voting.

So I'm writing you now to ask you to take a minute or two to send me two or three questions about Internet voting that you think typical and atypical visitors are likely to ask about it.

We will factor in your submissions in the process by which we develop the list of questions and our answers.

Go for the obvious ones and go for profound and unobvious ones that you yourself might like to have addressed. Please ask tough, probing questions, including the types that people who really oppose Internet voting and want to derail our efforts will ask, so that we can think about these questions and prepare the best possible answers.

Please send your questions to <director@votesite.com>.

Thanks in advance for your help. I'll let you know when CIVIX.org

launches.

Regards,

Marc Strassman
Executive Director
CIVIX

**Message Number 93 for
Campaign for Digital Democracy
Mailing List**

Date:
Jan 11 2000 15:12:21 EST
From:
"Campaign for Digital Democracy"
Subject:
Thanks, Brookings

Thanks to all of you who sent in a lot of great questions about Internet voting for the CIVIX.org website. The best minds available are now busy preparing the best possible answers to them.

The Brookings Institution is the premier liberal think tank in the U.S. It will be hosting a symposium on Internet voting on January 20, 2000. For more information, go to:

<http://www.brookings.edu/comm/events/20000120.htm>

Regards,

Marc Strassman
Executive Director
CIVIX

**Message Number 94 for
Campaign for Digital Democracy**

Mailing List

Date:
Jan 18 2000 01:37:57 EST
From:
"Campaign for Digital Democracy"
Subject:
Latest News and Views on Internet Voting

Here's an article from today's Los Angeles Times weighing the pros and cons of Internet voting:

<http://www.latimes.com/news/state/20000117/t000005229.html>

Here's an articulate rehash of the arguments against Internet voting:

<http://www.latimes.com/news/comment/20000117/t000005269.html>

Regards,

Marc Strassman
Executive Director
CIVIX

Message Number 95 for Campaign for Digital Democracy Mailing List

Date:
Jan 18 2000 11:55:34 EST
From:
"Campaign for Digital Democracy"
Subject:
Internet voting article with comments

Here's another Internet voting article. The best part of it is the comments from readers.

<http://www.zdnet.com/zdnn/stories/news/0,4586,2422541,00.html>

Regards,

Marc Strassman
CIVIX

**Message Number 96 for
Campaign for Digital Democracy
Mailing List**

Date:

Jan 18 2000 20:36:11 EST

From:

"Campaign for Digital Democracy"

Subject:

Report of the California Internet Voting Task Force

The long-awaited California Internet Voting Task Force is now available at:

<http://www.ss.ca.gov/executive/ivote/>

Regards,

Marc Strassman
Executive Director
California Internet Voting Initiative Campaign Committee (CIVIX)

**Message Number 97 for
Campaign for Digital Democracy
Mailing List**

Date:

Jan 19 2000 18:04:53 EST

From:

"Campaign for Digital Democracy"

Subject:

The New York Times Presents Bill Jones' Views on Internet Voting

The New York Times/Cybertimes electronic politics beat reporter has presented a thorough and detailed account of Secretary of State Bill Jones' Internet Voting Task Force's conclusions, without giving any space to opposing views.

To read the article, go to:

<http://www.nytimes.com/library/tech/00/01/cyber/articles/19vote.html>

Regards,

Marc Strassman
Executive Director
CIVIX

**Message Number 98 for
Campaign for Digital Democracy
Mailing List**

Date:

Jan 20 2000 13:17:38 EST

From:

"Campaign for Digital Democracy"

Subject:

Reuters Tells Both Sides of the Story

The Reuters news agency is running an article that tells both sides of the story on Internet voting in California.

Read it at:

<http://www.pcworld.com/pcwtoday/article/0,1510,14840,00.html?cp=reuters>

Regards,

Marc Strassman
Executive Director

CIVIX

**Message Number 99 for
Campaign for Digital Democracy
Mailing List**

Date:
Jan 20 2000 13:37:25 EST
From:
"Campaign for Digital Democracy"
Subject:
Internet Voting Alert!

Just a reminder that in one hour, at 2:30 pm, EST, the Brookings Institution in Washington, D.C., will be webcasting a symposium on "The Future of Internet Voting."

Watch it at:

<http://www.brookings.edu/>

You can also ask questions of the participants by e-mail.

Why not ask them how strongly they'll be supporting the California Internet Voting Initiative, which, at this point, IS the future of Internet voting?

Regards,

Marc Strassman
Executive Director
CIVIX

**Message Number 100 for
Campaign for Digital Democracy
Mailing List**

Date:
Jan 21 2000 00:34:23 EST
From:
"Campaign for Digital Democracy"
Subject:
Try Again

Those of you who, like me, tried to attend the Brookings Symposium on "The Future of Internet Voting" today but couldn't get in can now access the archived version of the proceedings. Watch them now at:

<http://www.brookings.edu/>

Regards,

Marc Strassman
Executive Director
CIVIX

Message Number 101 for Campaign for Digital Democracy Mailing List

Date:
Jan 24 2000 13:41:34 EST
From:
"Campaign for Digital Democracy"
Subject:
Internet Voting on NPR

Those of you in the Pacific time zone can listen to a discussion of Internet voting on NPR's Talk of the Nation at 11:00 am PST today, January 24, 2000. You, and others, can listen to the archived version of the program at <http://www.npr.org> as soon as it's posted.

Regards,

Marc Strassman
Executive Director

CIVIX

**Message Number 102 for
Campaign for Digital Democracy
Mailing List**

Date: Jan 26 2000 21:21:55 EST
From: "Campaign for Digital Democracy"
Subject: Internet Voting on Talk of the Nation on NPR

You can now hear last Monday's "Talk of the Nation" segment devoted to Internet voting at:

<http://search.npr.org/cf/cmn/cmnpd01fm.cfm?PrgDate=01/24/2000&PrgID=5>

Regards,

Marc Strassman
Executive Director
CIVIX

**Message Number 103 for
Campaign for Digital Democracy
Mailing List**

Date: Jan 27 2000 00:10:51 EST
From: "Campaign for Digital Democracy"
Subject: Net Voting Experiment Leaves Alaskans Cold

To read about yesterday's Internet-mediated straw poll vote by Alaska Republicans, go to:

<http://www.thestandard.com/article/display/0,1151,9163,00.html?mail>

Regards,

Marc Strassman
Executive Director
CIVIX

Message Number 104 for Campaign for Digital Democracy Mailing List

Date:
Jan 30 2000 21:38:57 EST
From:
"Campaign for Digital Democracy"
Subject:
NY Times Internet Voting Round-up

On the eve of the launch of the CIVIX.org website and the campaign for at-home and at-office Internet voting in the nation's largest state, the NY Times presents a round-up of the current state of play of Internet voting at:

<http://www.nytimes.com/library/review/013000internet-voting-review.html>

Regards,

Marc Strassman
Executive Director
CIVIX

Message Number 105 for

Campaign for Digital Democracy Mailing List

Date:
Jan 31 2000 17:01:02 EST
From:
"Campaign for Digital Democracy"
Subject:
Lorrie Cranor Sums It Up

Internet voting pioneer Lorrie Cranor has done us all the favor of summarizing and commenting on the latest developments in Internet voting. Here's what she had to say on January 30, 2000:

As those of you who have been on this mailing list for a while know, I usually forward all electronic voting related information I receive with little or no comment. Sometimes I can't resist putting in my 2 cents or correcting a factual error, but in general I try to present information as impartially as possible so as to promote a forum where all sides feel free to express their views (plus, I simply do not have time to respond to every message I forward to the list). However, from time to time readers send me email and ask me what I think of various developments. With the many recent news articles about electronic voting, the recent publication of the California Internet Voting Task Force report, and a number of states making plans to test and/or use Internet voting in the near future, some of you have asked me to let everyone know just what it is I think of all of this. one reader wrote, "You would do all your subscribers a favor to share your opinion, given the timing, sort of a 'Lorrie's State-of-the-Union'. As always, thanks for all you do to keep people better informed." So, since you asked....

To begin with, let me disclose my biases. I started looking at electronic voting in 1993. In graduate school I implemented a prototype secure and private electronic voting system called Sensus (one of the first such implementations). Electronic voting was also central to my dissertation work. In 1996 I joined AT&T Labs-Research, where I have been involved in the early planning efforts for two governmental electronic voting trials, both of which were postponed indefinitely. AT&T does not currently have any stake in any governmental electronic voting trial (that I know of -- it's a big company!). Since 1998 I have

been a member of the national advisory board of the Voting Integrity Project (<http://www.voting-integrity.org/>), an organization that recently filed a law suit to attempt to stop the Arizona online primary. I do not always agree with everything that VIP does and as an advisory board member, my advice is free and purely advisory.

On January 18 the California Internet Voting Task Force issued their long-awaited report on the feasibility of Internet voting (see <http://www.ss.ca.gov/executive/ivote/>).

I read the entire report and all the appendixes, and I highly recommend it to anyone who is interested in Internet voting. Overall I found this to be a very informative and well thought out report.

The report outlines a four-phase approach to Internet voting and recommends that the State of California implement one stage at a time. The first phase, Internet voting at voter's polling place, could be implemented fairly soon. This phase provides little or no advantage to voters, but could be very useful for testing an Internet voting system with minimal risk. If that goes well, Internet voting at any polling place could soon follow. This would provide some added convenience to voters, who could vote at any polling place in the county. It would allow for additional testing, this time of the mechanism for preventing voters from voting more than once. The third phase would be remote Internet voting from county computers or kiosks. This would allow for additional added convenience and probably some cost savings. The final phase, remote Internet voting from any Internet connection, would be the most convenient for voters, but is likely to be too risky until security concerns are adequately addressed.

I think the four-phase approach is quite sensible, and I hope that other states will adopt a similar approach. Incidentally, the electronic voting trial I was involved in planning with the Costa Rican government was very similar to the second phase system described in this report. The report's discussion of security concerns is also good, as are its discussions of legal and other issues. However, a more in-depth discussion of access issues as well as the problems that might be associated with a large majority of the population essentially voting absentee would have been useful.

I wish the report had included a bibliography with full citations to both the references the report explicitly cites (but without full bibliographic information), as well

as the other references that the authors inevitably consulted, but did not actually cite. This would be useful to those who wish to get more detailed information or consult the original sources.

In addition, some of the technical details given in the report were not entirely accurate. On page 13 (Model of a Remote Internet Voting System), the report describes one of the stages in the remote Internet voting process as "county mails the digital signature to the voter " followed by "voter uses key pair to access ballot over the Internet." Actually, it is unlikely that the county would mail a digital signature to a voter or that a voter would use a key pair to access a ballot. More likely, there would be a process that would allow a voter to generate a key pair and send the public key from the pair to the county. The voter would use the private key from the pair to create a digital signature that can be used by the county to authenticate the ballot.

In the section on the four stages of Internet voting, the report states several times that "voters may independently return to the county election site to confirm his or her vote has been received or tallied..." I think this statement refers to the county *Web* site. Later the report explains that the voter can confirm that the vote was received and authenticated. But it is not clear whether the voter would really be able to confirm that the vote was actually tallied (as stated in earlier sections). There are cryptographic schemes that might possibly allow this, but it is not clear whether this could be done while meeting all of the other requirements put forward in the report.

This report has gotten a lot of media coverage, and there has been some public criticism from Internet voting system vendors that the report over states the security concerns. Overall, I think the security concerns raised are realistic, and fairly forward looking. In particular, the concerns that a computer virus or Trojan horse could be used to quietly alter an individual's votes, make it appear that votes were submitted when they were not, or silently snoop on voters and email their votes to other people is a very realistic concern. It is true that mounting such an attack would require a lot of cleverness and planning, and possibly some inside information in advance of the election. Because of this, it is probably unlikely that such a threat will materialize in one of the early small-scale trials. But as Internet voting is used by more voters and potential attackers have more opportunities to observe Internet voting in action, this becomes

a more serious threat unless steps are taken to prevent it.

Moving on to the planned use of Internet voting in the Arizona Democratic primary.... I have a lot of concerns about this. The only information I have about this election is what I've read in the press, so there may be more to this than I know. But from what I've heard, it does not appear to me that the Arizona Democrats are proceeding with an appropriate level of caution. They seem to be bypassing the thorough evaluation process that new voting equipment must go through in most states. To date I have seen no public information explaining exactly how this system will work. And it sounds to me like this system is jumping directly to phase 4 of the California framework without any large-scale trials of any of the previous phases. (I understand that the vendor has conducted trials of their software in mock elections in which school children participated -- but this is very different than doing a large scale trial under actual election conditions.) And on top of these concerns are the minority access concerns raised by the Voting Integrity Project in their lawsuit.

What about the Alaska straw poll? This use of Internet voting concerned me much less because of the small number of voters involved and the fact that it was a non-binding election. On the other hand, the press release the vendor issued after the election was somewhat misleading.

The Department of Defense Internet voting trial is also coming up. I've been hearing about it for over two years now; however, so I've gotten a bit skeptical that it will materialize any time soon. This is a small scale trial similar to the Alaska straw poll. I've heard the plans are to involve no more than 50 voters from each of 5 states.

I still think that there are circumstances where Internet voting makes a lot of sense. Internet voting may potentially increase voter participation, although it is not at all clear that this will be the case. In some cases it may lead to cost savings, easier accessibility to the voting process for disabled people, faster vote tabulation, and other benefits. In some jurisdictions there are likely to be many more advantages of Internet voting than in others. I encourage the use of Internet voting for non-governmental elections. And I support a phased-in approach for governmental elections on a county-by-county basis. After all the hoopla dies down, I suspect that this is the approach we will see.

Message Number 106 for Campaign for Digital Democracy Mailing List

Date:
Aug 10 2000 04:11:01 EDT
From:
"Campaign for Digital Democracy"
Subject:
Smart Initiatives mailing list

Hello.

The Campaign for Digital Democracy mailing list has been on hiatus for a while, but it's back now.

A few of you on this list have also been on the VoteSite.com mailing list. That list has now metamorphosed into the Smart Initiatives mailing list, and will be focusing its attention on efforts to qualify and pass the Smart Initiatives Initiative, which is attached below.

You are invited to join the Smart Initiatives mailing list. Doing so couldn't be easier. Just click on the "mailto" text below, then Send the e-mail form that will pop up. You don't have to provide a subject or say anything in the body of the e-mail. Just Send it.

Then you'll be able to learn about and participate in the campaign for smart initiatives, in California and, perhaps, in your own state, if there is an initiative process there.

Click here:

<mailto:SmartInitiatives-subscribe@listbot.com>

If you're already a member of the VoteSite.com mailing list, and you follow these instructions, the ListBot will not allow you to sign up again. But once should be enough.

If you'd like to read an article that provides the basis for the Smart Initiatives Initiative below, go to:

Regards,

Marc Strassman
chief proponent
Smart Initiatives Initiative

SMART INITIATIVES INITIATIVE

ELECTIONS. DIGITAL IDENTIFICATION AND PETITIONING. INITIATIVE STATUTE.

Provides that initiative, referendum, recall, and in lieu petitions may be signed over the Internet using digital certificates. Establishes Digital ID Issuing Authority to create and maintain a system for issuing and revoking digital certificates and for verifying the digital signatures generating using them. Provides for the issuance of smart cards holding these certificates as the substrate of driver licenses, state identification cards and voter registration cards. Authorizes the use of these state-issued digital certificates for use in transactions with government agencies and commercial entities. Criminalizes efforts to interfere with online petition signing; specifies penalties. Preserves traditional petition signing methods.

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose amendments to the Elections Code and the Government Code, relating to secure online identification and petitioning, and petition the Secretary

of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed statutory amendments (full title and text of the measure) read as follows:

SECTION 1. This act shall be known and may be cited as the Smart Initiatives Initiative.

SECTION 2. Chapter 8 (commencing with Section 9700) is added to Division 9 of the Elections Code, to read:

CHAPTER 8. ELECTRONIC PROCEDURES

9700. (a) Notwithstanding any other provision of law, any petition circulated pursuant to this division may be signed using a digital certificate issued by the Digital ID Issuing Authority pursuant to Section 11790 of the Government Code.

(b) This section shall not be construed to preclude the collection of signatures for a petition by any other means authorized by law.

9701. (a) A proponent of a measure for which a petition is circulated under this division may collect digital signatures generated by digital certificate pursuant to Section 9700, by posting the petition at a website managed by the proponent for that purpose. A candidate for office may, under the provisions of this division, collect and submit signatures in lieu of paying all or part of a filing fee required to run for that office.

(b) A certificated copy of the petition, properly formatted and in compliance with all other standards required by this division, except as to signature spaces, shall be provided online to potential signers of it by displaying the document (other than its signature spaces) in a manner that securely presents an unalterable image equivalent to that normally required for paper versions of the petition, using document exchange and management software approved by the Department of Information Technology for this purpose.

[c] (1) The petition displayed as described in subdivision (b) shall provide a means whereby a user may generate a digital signature on the petition, using a digital certificate, as described in Section 9700, with software approved for this purpose. The signer shall also provide any additional information required by law.

(2) In order to prevent the submission of multiple signatures by the same individual, the computer system hosting the measure shall be

programmed to accept only one digital signature generated by the single digital certificate issued to each eligible person, and to reject all subsequent efforts to sign the petition with that digital certificate.

(d) The identity of any person generating a digital signature on a petition pursuant to this section shall be protected as provided by law. No part of this chapter shall be construed to abrogate any right of privacy otherwise protected under law.

(e) Any person who digitally signs a petition pursuant to this section may withdraw that digital signature as provided in Section 9602, except that the request for withdrawal may be submitted by electronic means, using a digital signature generated by digital certificate.

9702. (a) The petition shall be submitted to the appropriate elections official for filing and validation either on electronic storage media delivered physically to the official or by transmission to the official over the Internet under secure conditions, as approved by the Department of Information Technology, at the discretion of the proponent.

(b) Notwithstanding any other provision of law, petitions for which digital signatures have been collected under this chapter may be filed with the appropriate elections official by the proponent, using the methods set out in Section 9702 (a), at any time prior to the final date for filing the petition and the digital signatures contained therein shall be validated or rejected by that elections official within three (3) working days of their receipt.

[c] Signatures generated by digital certificates under this chapter shall be validated by the elections official responsible for validating signatures for the petition in question, using the most rigorous methods of digital authentication available, in conjunction with, or using procedures approved by, the Digital ID Issuing Authority.

9703. (a) In the case of initiative, referendum, and recall petitions, any digital signature generated by a digital certificate and validated pursuant to Section 9702 shall be counted toward the total required to qualify the measure for the ballot in question. In the case of signatures to be collected and submitted in lieu of requiring a candidate for public office to pay all or part of a filing fee for that office, any digital signature generated by a digital certificate and validated pursuant to Section 9702 shall be counted toward the total required to exempt that candidate from having to pay all or part of the filing fee for that office. The tally of validated signatures collected shall be forwarded to the Secretary of State by the appropriate elections official on an ongoing basis.

(b) The Secretary of State shall provide and update information showing the number of validated digital signatures collected, based on the most recent information provided by the appropriate elections official or officials, at the official website of the Secretary of State.

9704. The Digital ID Issuing Authority and the Department of Information Technology may each adopt regulations to implement this chapter.

9705. (a) Any person who interferes with the lawful operation of the electronic processes specified in this chapter with the intent of committing fraud or violating the integrity of any system used for these activities, including, but not limited to, its internal, contents, or results, by any means, whether or not through the use of a computer, or who attempts to impede access to an official petition website by means of a "denial-of-service" attack or by any other means, is guilty of a public offense for each occurrence, punishable by imprisonment in the state prison for a period of 16 months or two or three years, or in a county jail for not more than one year, or a fine of not more than ten thousand dollars (\$10,000), or by both that imprisonment and fine.

(b) As a condition of parole, any individual found guilty of an offense pursuant to this section may be prohibited from using any electronic network for a period of not more than the term of parole.

SEC. 3. Section 16.5 of the Government Code is amended to read:

16.5. (a) In any written communication with a public entity, as defined in Section 811.2, in which a signature is required or used, any party to the communication may affix a signature by use of a digital signature that complies with the requirements of this section. The use of a digital signature shall have the same force and effect as the use of a manual signature if and only if it embodies all of the following attributes:

- (1) It is unique to the person using it.
- (2) It is capable of verification.
- (3) It is under the sole control of the person using it.
- (4) It is linked to data in such a manner that if the data are changed, the digital signature is invalidated.

(5) It conforms to regulations adopted by the Secretary of State. Initiation regulations shall be adopted no later than January 1, 1997. In developing these regulations, the secretary shall seek the advice of public and private entities, including, but not limited to, the Department of Information Technology, the California Environmental Protection Agency,

and the Department of General Services. Before the secretary adopts the regulations, he or she shall hold at least one public hearing to receive comments.

(b) The use or acceptance of a digital signature shall be at the option of the parties, except as provided in Chapter 8 (commencing with Section 9700) of Division 9 of the Elections Code and as provided in Section 11791 of the Government Code. Nothing in this section shall require a public entity to use or permit the use of a digital signature.

[c] Digital signatures employed pursuant to Section 710066 of the Public Resources Code are exempted from this section.

(d) "Digital signature" means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature.

SEC. 4. Chapter 7.5 (commencing with Section 11790) is added to Part 1 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 7.5. DIGITAL IDENTIFICATION ISSUING AUTHORITY

11790. (a) The Department of Motor Vehicles, the Secretary of State, the Department of Information Technology, and the county registrars of voters, shall collaborate to establish the Digital ID Issuing Authority of the State of California, whose mission shall be to efficiently and cost-effectively provide California residents with a high-level digital certificate in an easy-to-use form.

(b) The Digital ID Issuing Authority of the State of California shall, either on its own or by contracting with a suitable private supplier or suppliers, develop, design, implement and maintain a system capable of establishing the identity of individuals with sufficient assurance to issue them the digital certificates called for in this division, of interacting with recipients of these certificates so as to allow them to personalize and secure for their sole use the digital certificates they are issued; of maintaining in good order the databases containing the digital certificates they issue and any other associated data necessary to the efficient functioning of the digital certificate system; of keeping this system current by adding new users as they are issued digital certificates, removing users whose certificates are revoked, or when a user becomes deceased or permanently relocates out of the state, and changing any relevant data about users in a timely manner; and of providing to all electoral and other state and local agencies, in an accurate and speedy manner, the authentication of the digital signatures generated by the certificates it has issued, whether in the context of

official petitions, transactions with government, or transactions in the private sector.

(c) (1) The Digital ID Issuing Authority, in collaboration with each recipient, shall generate and issue an individualized digital certificate belonging solely to that recipient. Through the use of passwords, biometrics or other means, this digital certificate shall be rendered accessible solely to the person to whom it is issued, as specified in Section 16.5 (a) (3) of the Government Code, and cited in SEC. 3 of this division. The digital certificates created by the authority according to these procedures shall then be loaded onto smart cards that use the best generally available technology, and that shall be used as the substrate for the driver license or identification card issued by the Department of Motor Vehicles to each applicant/recipient of these licenses and cards, unless an applicant/recipient specifies that he or she does not wish to have either a digital certificate at all or does not wish to have a digital certificate installed on the smart card providing the substrate of their driver license or identification card.. A smart card containing the registrant's personalized digital certificate shall be provided to registered voters who have neither driver's licenses nor identification cards, as the substrate of their voter registration cards, unless the registrant specifies that he or she does not wish to have either a digital certificate at all or does not wish to have a digital certificate installed on the smart card providing the substrate of their voter registration card. Anyone eligible to receive a digital certificate on a smart card under the provisions of this division may, at their discretion, receive a smart card without a digital certificate as the substrate of the driver license, identification card, or voter registration card to which they are entitled. The smart cards provided under the provisions of this division may, as practicable, be "contactless," allowing their use at a distance, and may include optical storage areas, allowing users to store and retrieve large amounts of data on and from their cards. There shall be no additional fees charged to users (holders of driver licenses, identification cards, or voter registration cards) for the provision of the digital certificate or smart card.

(2) For purposes of this subdivision, the following definitions shall apply:

(A) "Smart card" means a card with a built-in microprocessor and memory that is capable of receiving, storing, processing, and transmitting electronic data.

(B) "Substrate" means the physical material of an identification card, upon which information is placed.

[c] As part of the process by which a holder personalizes his or her certificate and through which the Digital ID Issuing Authority establishes the identity of the holder, each holder of the state-issued digital certificate may request the Digital ID Issuing Authority to send the holder, free of charge, a complete and accurate digital copy of his or her digital certificate by electronic mail to up to and including ten electronic mail addresses provided by the holder. Pursuant to this subdivision, the digital certificate holder may request, as part of their allotted downloaded copies, that some of these copies be transmitted to cellular phones and/or other mobile or fixed wireless digital devices of their choice. The Digital ID Issuing Authority shall comply with all such requests.

11791. (a) A digital certificate issued by the Digital ID Issuing Authority pursuant to Section 11790 shall be accepted by any state entity that offers secure transactions over the Internet, as complete and adequate proof of an individual's identity, and as capable of generating a "digital signature," as defined in Section 16.5, for purposes of executing any form, document, or other instrument related to the transaction, and that digital signature shall be deemed to constitute that individual's assent to the terms of the transaction and shall be accepted as such by the state entity involved.

(b) A digital certificate issued by the Digital ID Issuing Authority pursuant to Section 11790 may be used for any personal or commercial purpose for which identification is required, and for generating a valid and acceptable legal signature as required, as provided under Title 2.5 (commencing with Section 1633.1) of Part 2 of Division 3 of the Civil Code.

11792. The Digital ID Issuing Authority and the Department of Information Technology may each adopt regulations to implement this chapter.

11793. (a) Any person who interferes with the lawful operation of the electronic processes specified in this chapter with the intent of committing fraud or violating the integrity of any system used for these activities, including, but not limited to, its internal, contents, or results, by any means, whether or not through the use of a computer, or who attempts to impede access to an official petition website by means of a "denial-of-service" attack or by any other means, is guilty of a public offense for each occurrence, punishable by imprisonment in the state prison for a period of 16 months or two or three years, or in a county jail for not more than one year, or a fine of not more than ten thousand dollars (\$10,000), or by both that imprisonment and fine.

(b) As a condition of parole, any individual found guilty of an offense

pursuant to this section may be prohibited from using any electronic network for a period of not more than the term of parole.

SEC. 5. (a) The California Supreme Court shall have original jurisdiction in any legal action or proceeding to challenge the validity of this act.

(b) The proponents of this act shall have standing to defend the act in any such action or proceeding.

SEC. 6. The Legislature may amend this act only by a statute passed by a two-thirds vote of the membership in each house of the Legislature that is consistent with and furthers the purposes of this act.

SEC. 7. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provisions or applications.

Message Number 107 for Campaign for Digital Democracy Mailing List

Date:

Aug 13 2000 11:28:12 EDT

From:

"Campaign for Digital Democracy"

Subject:

Smart Initiatives Project Website Opens

The Smart Initiatives Project now has a website, at:

<http://www.geocities.com/virtualorange/index.html>

Why not take a look?

Regards,

Marc Strassman
executive director
The Smart Initiatives Project

