

Message Number 108 for Campaign for Digital Democracy Mailing List

Date:
Aug 22 2000 00:34:26 EDT
From:
"Campaign for Digital Democracy"
Subject:
Smart Initiatives Project Update

Dear Smart Initiatives mailing list member,

Two news items:

1. The Digital ID Initiative has been renamed The Smart Initiatives Initiative, pushing the date when it will be released by the Attorney General of California's Office forward 25 days, giving us more time to raise the million dollars we need to put it on the California ballot.
2. The Smart Initiative Project is now listed as a "Player" on the SecurePoll website, at <http://www.securepoll.com/>. Please drop by and sign up for their mailing list, which is the most active list reporting developments in the electronic electoral space.

To learn more about the Smart Initiatives Project and use a link to sign up for the Smart Initiatives Project mailing list, go to:

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

Please send any comments about the Project to:

SmartInitiatives-owner@listbot.com

Regards,

Marc Strassman
President
Smart Initiatives Project

**Message Number 109 for
Campaign for Digital Democracy
Mailing List**

Date:
Aug 22 2000 23:13:14 EDT
From:
"Campaign for Digital Democracy"
Subject:
Smart Initiatives Post on Voter.com

Dear Digital Democracy mailing list member,

Buses and taxis in Los Angeles now display advertisements for Voter.com, it's so mainstream. If you sign up with them (for free), you can visit the Political Reform Message Board and see, at:

http://www.voter.com/home/message/text/1,3811,2-2069_2069-,00.html

a recent post urging people who want to actually govern themselves over the Internet, rather than play-act governing themselves, to visit the Smart Initiatives Project at
<http://www.geocities.com/virtualorange/index.html>.

Any one who visits the Message Board at Voter.com can leave a long or short message commenting on the original post. Soon, they'll think it's a movement.

Regards,

Marc Strassman
President
Smart Initiatives Project

**Message Number 110 for
Campaign for Digital Democracy
Mailing List**

Date:
Aug 23 2000 16:54:39 EDT
From:
"Campaign for Digital Democracy"
Subject:
Governors Oppose Initiatives

To see what a movement to make it easier to qualify initiatives is up against, take a look at this article:

http://www.worldnetdaily.com/bluesky_poole_news/20000823_xnpol_governors_.shtml

Regards,

Marc Strassman
President
Smart Initiatives Project

Message Number 111 for Campaign for Digital Democracy Mailing List

Date:
Sep 06 2000 19:22:57 EDT
From:
"Campaign for Digital Democracy"
Subject:
Smart Initiatives in the News 1

NetPulse, the news division of PoliticsOnline, yesterday ran a NetPulse Brief about the Smart Initiatives Project. See it at:

<http://www.politicsonline.com/netpulsearchives/netpulse.asp#briefs>

to start at the top of the current NetPulse issue, or to subscribe to NetPulse, go to:

<http://www.politicsonline.com/netpulsearchives/netpulse.asp>

Regards,

Marc Strassman
Executive Director
Smart Initiatives Project

Message Number 112 for Campaign for Digital Democracy Mailing List

Date:

Sep 07 2000 17:49:05 EDT

From:

"Campaign for Digital Democracy"

Subject:

Open Source Internet Voting Software at Congressional Panel Discussion

Campaign for Digital Democracy Subscriber,

As you probably already know, there will be a panel discussion on Internet voting organized by the Congressional Internet Caucus Advisory Committee on September 13, 2000 at 12:30 pm in the Rayburn House Office Building, room B-339.

The usual suspects will be in attendance, arguing (if they're a commercial e-voting company) that they and their proprietary software should be used right away to conduct elections or (if they're a public advocacy group opposed in principle to Internet voting) that everything possible be done to block the implementation of e-lelections.

The third way may not be heard from. The third way in this situation is "open source Internet voting software."

I've written to some of the Congressional staffers involved in preparing this panel discussion, urging them to make sure that the open source Internet voting option is discussed. If you have access to any members of the Congressional Internet Caucus, other members of Congress, Congressional staffers involved in the issue, or members of the media, please take a look at what I've said to these staffers and, if you're in agreement, pass this material on to them, along with any comments of your

own you care to add.

And, if you value these posts, please urge others you know to sign up for them as well, by visiting the Smart Initiatives website at:

<http://www.smartinititives.org>

and clicking on the "Subscribe to the Smart Initiatives Mailing List."

Or go directly to the sign-up page at:

<http://www.smartinitiatives.org/listbotlink.html>.

Here's what I wrote:

I'm the Executive Director of the Smart Initiatives Project, which is working to give all citizens the right and the means to sign initiative and other official petitions online, with binding legal effect, using free digital certificates issued by state governments. Our slogan is "Political Reform through Internet Power."

You can see much of what we have to say at:

<http://www.smartinitiatives.org>

I'm writing to you in reference to the Congressional Internet Caucus Advisory Committee's panel discussion on online voting on September 13th.

Specifically, I'm interested in either participating in this event to discuss, or having you or other staffers bring up for discussion, the idea of "open source Internet voting."

Open source software (such as the Linux operating system) is software code written by a distributed group of people interested in providing some particular functionality to the community without a lot of the impediments associated with proprietary and privately-owned software. The resulting software program benefits from the expertise of a world-wide community of dedicated programmers and the advantages of a structure for debugging and upgrading that gets the most out of their individual abilities.

And, except for packaging, documentation, support, and other such add-ons, open source software is free to users.

Although neither the private companies who will be advocating the early adoption of Internet voting at this panel discussion nor the opponents of Internet voting as such will be mentioning open source Internet voting software, I think it's important that the Caucus consider it, since it offers opportunities left out of the proprietary companies' scenarios while answering most of the legitimate objections raised about Internet voting by its critics.

In combination with a universal regime of individual digital certification, the institution of which is a primary goal of the Smart Initiatives Project and the cause of which has been greatly advanced by the recent passage of S. 761, I believe that open source Internet voting programs offer the best chance to solve the issues of privacy, security, anonymity, and trust that now stand in the way of implementing a ubiquitous system of Internet voting. This is in addition to lower costs to election authorities and the advantage of letting the people's elections be run by the people's government, not private companies whose agendas may be more driven by the desire for profit than an interest in furthering the public good.

Issues of privacy, security, reliability, cost, anonymity and control have been raised in opposition to Internet voting both before and since it became a viable possibility. No doubt they will be raised in opposition to it at this event. But open source Internet voting, although it may have some problems of its own (e.g., what about non-open source elements of these programs?), does offer some answers to the frequently-asked but not-yet answered and legitimate questions that are appropriately being raised about the use of Internet voting as a means of making our most important collective political decisions.

I therefore strongly urge you to work with me to see that the possibilities inherent in using the open source process to create and maintain the digital infrastructure needed to deliver a viable Internet voting system that can cost-effectively provide the necessary levels of anonymity, security, reliability, privacy and trust that the American people deserve and have every right to expect as we move our election operations into the new millennium are at the center of the long-awaited discussions about to be conducted by the Congressional Internet Caucus Advisory Committee on September 13th.

Sincerely,

Marc Strassman
Executive Director
Smart Initiatives Project

Message Number 113 for Campaign for Digital Democracy Mailing List

Date:
Sep 16 2000 23:01:06 EDT
From:
"Campaign for Digital Democracy"
Subject:
Hear the PKI Forum Audio

Dear Digital Democracy Mailing List Member,

PKI, as many of you already know, is an acronym standing for Public Key Infrastructure. PKI involves assembling public and private keys, Certificate Authorities, Certificate Revocation Lists, Repositories, digital certificates, digital signatures and other elements into a system that allows for the secure encryption, decryption, transmission, receipt, identification and authentication of documents over the Internet in such a way as to assure the identity of users, the integrity of their messages, and the non-repudiation of transactions entered into using it.

The PKI Forum is the trade association of companies that develop and sell the technologies that enable the construction and operation of the PKI. The PKI Forum held its most recent meeting on September 12th through September 14th, 2000, at the Crowne Plaza Hotel in Montreal, Quebec, Canada, a city and a province and a country I heartily recommend to others, on account of its food, weather, accommodations, monetary exchange rate, architecture, and especially its people, who are remarkably good-natured and friendly.

On Tuesday, September 12th, I had an opportunity to present to around 60 conference attendees some of my ideas about how the PKI Forum's member companies and the technology they produce could contribute to the progress of virtual democracy. The audience consisted of engineers, technical directors, marketing people, and executives. The presentation was entitled, naturally, "Toward a Ubiquitous E-Democracy Powered by a Universal PKI."

To hear this presentation, just as it was delivered last week in Montreal, click here: <http://bookchat.org/PKIForum.html>

Bon jour,

Marc Strassman
Executive Director
Smart Initiatives Project

Don't forget to visit the Smart Initiatives Project website at:
<http://www.smartinitiatives.org>

Next message: Open Source/Free Software as a Panacea for the Technical
and Political Problems Confronting Internet Voting

Message Number 114 for Campaign for Digital Democracy Mailing List

Date:
Sep 23 2000 11:34:05 EDT
From:
"Campaign for Digital Democracy"
Subject:
Why electronic voting software should be Free Software

Jason Kitcat, creative partner in the British internet consultancy company Swing Digital, and coordinator of the FREE e-democracy project has written an article setting out the reasons for the superiority of open source/free software Internet voting systems. He argues that this type of software can provide better security, more observability and hence greater user acceptance, less dependency on the whims of profit-driven private corporations, and lower costs for taxpayers. To read his article, entitled "Why electronic voting software should be Free Software," click here:

<http://www.thecouch.org/free/docs/wfs.html>

Message Number 115 for Campaign for Digital Democracy

Mailing List

Date:

Sep 27 2000 14:41:33 EDT

From:

"Campaign for Digital Democracy"

Subject:

Touch Screen Voting in Riverside County, California

Other than spelling my name, organization, and title right, the reporter on this story made up what he has me say and mis-represented all my relevant positions.

Nevertheless, it's an interesting story, so maybe you'd like to see it. It's in today's Los Angeles Times, at:

<http://www.latimes.com/news/state/20000927/t000091697.html>

Regards,

Marc Strassman
Executive Director
Smart Initiatives Project

Message Number 116 for Campaign for Digital Democracy Mailing List

Date:

Oct 09 2000 16:18:39 EDT

From:

"Campaign for Digital Democracy"

Subject:

A Message to Reporters Extended to Everyone

Dear Digital Democracy mailing list subscriber,

I've just sent out an invitation to members of the press, asking them to

sign up for the Smart Initiatives mailing list on the eve of the release of the Smart Initiatives Initiative from the California Attorney General's Office on Thursday, October 12, 2000.

I'm sending you a copy of that invitation, since I think it contains a good, concise explanation of why Smart Initiatives matter now.

I'd like to invite you to join that list now, too. You can do so by going to:

<http://SmartInitiatives.listbot.com/>

and signing up. It will simplify our operations if all the members of the Digital Democracy list sign up for the Smart Initiatives list so we only have to send posts out once.

It would also be great if you could pass that url for joining the Smart Initiatives mailing list on to anyone you think might like to get the latest news about our efforts, including journalists, academics, business people, hackers, the politically involved, the technically involved, the curious, fun-seekers, tourists, and creative artists who don't otherwise care much about politics.

Please send me your comments about Smart Initiatives, digital democracy, or anything else relevant at:

etopia@pacificnet.net.

Thanks for subscribing.

Regards,

Marc Strassman
Executive Director
Smart Initiatives Project

Here's what I sent to the reporters:

Dear Reporter,

On Thursday, October 12, 2000, if they do what they said they'd do, the Office of the Attorney General of the State of California will release the official Title and Summary for the Smart Initiatives Initiative.

Since the Smart Initiatives Initiative (available at:
<http://www.smartinitiatives.org>) represents the last, best hope of the

initiative movement to counter the overwhelming pressures being brought against it by governors, courts, and David Broder, what happens to it is of some moment.

Subscribing to the Smart Initiatives mailing list, as you can do by replying to this message, will give you a front-row seat on one side of the field as the battle to protect and extend democratic rights into the twenty-first century using modern technology is waged against those who believe that people are too busy or too stupid to legislate on their own, but ARE nevertheless qualified (and entitled for the time being at least) to vote for representatives to govern (nominally) on their behalf (but only for those who've been vetted by collecting enough bribes (excuse me, "campaign contributions") to become "viable" candidates.

The Smart Initiatives Initiative will, if passed, provide every citizen with a digital certificate that he or she can use to sign initiative and other official petitions online. It will even let candidates with insufficient funds collect enough signatures to get on the official ballot. Giving everyone a digital certificate will also greatly accelerate the adoption of higher levels of e-commerce, such as the selling of insurance and the closing of home sales online.

Overall, the implications of the Smart Initiatives Initiative are enormous. The need to explain to voters how it works and to cover the reactions of the entrenched incumbent interests who will oppose it and the efforts of the earnest reformers who are supporting it will provide you and your fellow reporters with a fascinating and compelling story over the ensuing months.

I hope you will sign up now for the Smart Initiatives mailing list so you can follow this story in detail from the start. And please feel free to contact me directly at

etopia@pacificnet.net

anytime with questions about what we're doing with this campaign to create "Political Reform through Internet Power."

Sincerely,

Marc Strassman
Executive Director
Smart Initiatives Project

Message Number 117 for Campaign for Digital Democracy Mailing List

Date:

Oct 11 2000 14:03:12 EDT

From:

"Campaign for Digital Democracy"

Subject:

A Chance to Join Democracies Online Newswire

Dear Digital Democracy mailing list member,

This is a pretty good list. Look this over and join if you'd like.

Regards,

Marc Strassman

Smart Initiatives Project

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

Join the Democracies Online Newswire - DO-WIRE

DO-WIRE is your primary source for what's important and happening with the convergence of democracy and the Internet around the world. DO-WIRE is a free, low volume, moderated e-mail announcement list.

To subscribe for convenient e-mail delivery or read recent posts on the web, visit:

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

Launched in January 1998, DO-WIRE now connects over 1300 experts, practitioners, journalists, and citizens from around the world. If you are interested in democracy online, which includes politics online, new media, e-governance, online advocacy, citizen interaction and related topics, then join us.

Each week, well known e-democracy expert and speaker Steven Clift <<http://publicus.net>> forwards, with occasional analysis, up to seven carefully selected messages. Posts include news, article, and report web links, event and conference announcements, calls for papers, and often uncover important "primary source" online resources, projects, and initiatives of significance.

DO-WIRE Member Submissions and Comments

The large and diverse subscriber base on DO-WIRE makes this information exchange network so vibrant. Share your text-only submissions for review to: do@publicus.net

In the end, comments from DO-WIRE members are the best invitation to join:

'must reading'
'highest quality'
'interesting content'
'keeps me informed ... not inundated'
'incredibly rich, diverse, deep coverage'
'best source ... invaluable resource'
'your contributions are ... informative and enlightening'
'thoughtful analysis and provocative personal perspective'

E-Democracy E-Book

Democracy online trends from the last decade are explored in Steven Clift's draft "E-Democracy E-Book." Themes previously covered by DO-WIRE are summarized in this article. The E-Book and dozens of articles, presentations, and highlighted posts are available online from:

<http://www.publicus.net>

Please forward this message to others who are interested in networking with others across the global democracy online community. If you have a web site, please add links as appropriate. Thanks.

12 OCT 2000

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

^ ^ ^ ^
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*** 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 118 for Campaign for Digital Democracy Mailing List

Date:
Oct 13 2000 04:05:55 EDT

From:
"Campaign for Digital Democracy"

Subject:
SII to be Released on Friday the 13th/SIP Executive Director to Appear on eYada on
Monday
the 16th

Dear Digital Democracy mailing list subscriber,

It could hardly be more auspicious. Today is the first Friday the Thirteenth of the Third Millennium. Coincidentally (or is it?), after months and months of work by the Office of Legislative Counsel, the Department of Finance, the Legislative Analyst's Office, and the Office of the Attorney General of California, not to mention some input by us here at the Smart Initiatives Project, the Smart Initiatives Initiative is finally ready for the light of day.

When the Attorney General's Office releases their official Title & Summary later today, they'll fax a copy of it down to us here in Los Angeles, and

we'll word process it and send it out to you. Then we can all move on to the next step in the process. We'll let you know more details soon.

By the way, I've been invited to appear as a guest on The Lionel Show on eYada, at 11 am Eastern Daylight Time, on Monday, October 16, 2000. eYada, of course, is at:

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

Lionel's show features live streaming video and audio. Since I'll be in California, all you'll see of me is my voice. I'll be talking about the Smart Initiatives Project, the recently-released Smart Initiatives Initiative, and related issues.

After you get to the eYada.com site, you'll find the route to Lionel's show on the left, under where it says, "FIND a show." When you get to his page, you can send thoughtful, provocative, or entertaining questions and comments to me and the host by e-mail, or you can call them in by phone, toll free, at 1-877-EYADA-99 (1-877-392-3299).

If you can't watch and listen to the live show, it will be available for a few days as archived streaming video. I've asked for a copy of the RealAudio file that can be hosted on the Smart Initiatives Project site afterwards and they said they'd look into it. I hope everyone gets a chance to see it and that all of you who want to can get your questions or comments included in the program.

Thanks to all of you for your support. Please continue to send your comments to us at SIP and to recruit as members of this list others who care about using the Internet for substantive political purposes. All anyone needs to do to sign up for the Smart Initiatives Project mailing list is click here:

<http://SmartInitiatives.listbot.com/>

and then enter his or her e-mail address and click on the "Submit" button.

Sincerely,

Marc Strassman
Executive Director
Smart Initiatives Project

Message Number 119 for

Campaign for Digital Democracy Mailing List

Date:

Oct 13 2000 18:20:31 EDT

From:

"Campaign for Digital Democracy"

Subject:

Title & Summary Released/Petitioning Period Determined

Dear Digital Democracy mailing list subscriber,

The California Attorney General's Office has released the official Title & Summary for the Smart Initiatives Initiative. Here it is:

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

DIGITAL SIGNATURE. ELECTION PETITIONS. PUBLIC AND PRIVATE TRANSACTIONS. INITIATIVE STATUTE.

Establishes a state agency to issue a digital certificate to any California resident. Requires certificate to generate a verified digital signature that can be used to subscribe to any authorized public or private sector electronic transaction. Authorizes use as driver license, identification or voter registration card at no additional charge. Requires election officials to validate and count digital signatures for candidacy, initiative, referendum and recall petitions if transmitted to a secure website provided by candidate or proponent. Preserves traditional signature methods. Imposes imprisonment and fines for violations of this system. Summary of the estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Measure would result in unknown, major one-time costs to develop the systems, and could result in unknown major (probably in the range of tens of millions of dollars) annual net costs to state and local governments.

The California Secretary of State has given us until March 12, 2001, to collect 419,260 valid signatures to put the SII on the 2002 primary ballot.

Hear more on eYada.com (<http://www.eyada.com>) at 8 am Pacific Time/11 am Eastern Time on Monday, October 16, 2000.

Regards,

Marc Strassman
Executive Director
Smart Initiatives Project

**Message Number 120 for
Campaign for Digital Democracy
Mailing List**

Date:
Oct 16 2000 14:01:46 EDT
From:
"Campaign for Digital Democracy"
Subject:
Smart Initiatives on eYada.com

Dear Campaign for Digital Democracy mailing list member,

Smart Initiatives goes multimedia! This morning's episode of The Lionel Show on eYada.com, including a discussion of the Smart Initiatives Initiative, is now archived and ready to be listened to or viewed. To access it, click here:

<http://www.eyada.com>

Then click on "GO" by "Find a Show Lionel". Click on Archives towards the top of the screen. Then click on "Play" by "October 16th." Once the RealAudio browser opens, "fast forward" with the slider near the top to 2:08. There you are.

Anyone living in California who wants to help qualify the Smart Initiatives Initiative there or living in another state who wants to organize a Smart Initiatives Initiative in their state should send e-mail to <info@vpac.org> and let us know about your interest.

Regards,

Marc Strassman
Executive Director

Smart Initiatives Project

**Message Number 121 for
Campaign for Digital Democracy
Mailing List**

Date:
Oct 17 2000 02:15:30 EDT
From:
"Campaign for Digital Democracy"
Subject:
More Smart Initiatives Coverage

Smart Initiatives leads off the October 16th episode of the California Capitol Report, which can be heard at:

<http://www.capitolalert.com/kxpr/index.html>

**Message Number 122 for
Campaign for Digital Democracy
Mailing List**

Date:
Oct 20 2000 04:37:09 EDT
From:
"Campaign for Digital Democracy"
Subject:
Beauty, Simplicity, and Economy

From page 237 of David S. Broder's "Democracy Derailed: Initiative Campaigns and the Power of Money":

He was followed by Marc Strassman, the founder and leader of the Campaign for Electronic Democracy, an Internet-based national effort to persuade states to allow electronic voting and-where the initiative process is

available-the collection of ballot-measure signatures via the Internet. If the legislatures see the beauty, simplicity, and economy of this scheme, and Congress does the same for the nation, "we can have initiatives, voting, politics, and government at the speed of thought," he said. "What about the people who don't have computers?" a member of the audience asked. "They will get cheaper and smaller," Strassman replied, "and a liberal government would want to give computers away" to those who need them. Some might be skeptical, but Rick Arnold [owner of a signature-gathering company] assured the audience, "Democracy will be changed by this technology." He added with a smile, "I'm looking for another job myself."

Somewhat surprisingly, given his own use of the initiative, Ron Unz said he was skeptical of this vision. "We'd have eighteen hundred initiatives on the ballot in every election in California," he said, "and people would get sick of it, just like they're sick of government-by-polling today. We should raise the barrier, discourage people from putting up initiatives. There should be some kind of merit test." But the proponents were not fazed. "The legitimacy of an idea would be measured by how much support it has," Strassman said.

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Published by Harcourt, Inc.

Message Number 123 for Campaign for Digital Democracy Mailing List

Date:

Oct 23 2000 14:07:17 EDT

From:

"Campaign for Digital Democracy"

Subject:

Smart Initiatives Online, in Print, and in the News

The last item in reporter Steven A. Capps' "Political Notebook" for October 23, 2000, covers the Smart Initiatives Initiative. Read about it at:

http://www.capitolalert.com/news/capalert04_20001023.html

Message Number 124 for Campaign for Digital Democracy Mailing List

Date:
Oct 27 2000 01:39:35 EDT
From:
"Campaign for Digital Democracy"
Subject:
Two Minutes with Bill Jones

Dear Member of the Digital Democracy mailing list,

California Secretary of State Bill Jones and I attended a conference on Internet Voting at Loyola Law School in Los Angeles today. I asked him if he'd endorse the Smart Initiatives Initiative. He declined, saying that his responsibilities as Secretary of State precluded him from endorsing any specific initiatives.

Then he said that there was a need to establish a means by which the State of California could sanction and provide accountability and integrity for the issuing of digital certificates to citizens of the state. Oddly enough, this is the exact intent and purpose of the Smart Initiatives Initiative, to create a Digital ID Issuing Authority through the combined efforts of the Department of Motor Vehicles, the Department of Information Technology, the Office of the Secretary of State, and the county Registrars of Voters.

Here's what it says in the Smart Initiatives Initiative about this:

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.

Secretary of State Jones also pointed out that digital certificates are good for more than just signing initiative petitions (an interesting remark in that it implicitly acknowledges that they COULD be used for

doing that). This point is also included in the text of the Smart Initiatives Initiative, which says:

(11791.) (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.

While it's certainly appropriate for the state's chief elections officer to remain neutral about circulating or qualified initiatives, it might also be ok for him to acknowledge, factually, without endorsing anything, that one of these initiatives, the Smart Initiatives Initiative, provides for the very things he says he wants to see implemented into law.

You can hear the Secretary's comments by clicking here:

<http://bookchat.org/BillJone.html>

While the audio clip you'll be listening to lets you hear the substantive content of the Secretary's remarks, the video portion of the original miniDV clip conveys additional meaning through the Secretary's body language. Unfortunately, the Smart Initiatives Project, while it has the means to convert audio recordings into streaming audio, as of yet lacks the resources (basically, a \$5,000 Macintosh G4) necessary to convert the digital video recording of this event into a streaming video file.

So, if any of you out there DO have the means to convert miniDV tapes into RealVideo files, we'd like to hear from you, so that we could mail you this and not-yet-shot tapes and let you edit and convert them for posting on the Smart Initiatives website. If you can do this and would like to help us get our message out in a visually-compelling way, please let us know, by e-mail, at xd@smartinitiatives.org. Thanks in advance.

Until then, we will continue to provide audio versions of material we think you'd like to hear.

Regards,

Marc Strassman
Executive Director
Smart Initiatives Project

**Message Number 125 for
Campaign for Digital Democracy
Mailing List**

Date:
Oct 27 2000 15:03:13 EDT
From:
"Campaign for Digital Democracy"
Subject:
Smart Initiatives in Silicon Valley

Dear Campaign for Digital Democracy mailing list member,

Except that the reporter has me calling "digital certificates" "digital signatures" and incorrectly states that the Smart Initiatives Initiative is still being reviewed by the Attorney General's Office when it's already circulating, this is a pretty good article about Smart Initiatives.

Read it at:

<http://www.bizjournals.com/sanjose/stories/2000/10/23/daily6.html>

Regards,

Marc Strassman
Executive Director
Smart Initiatives Project

**Message Number 126 for
Campaign for Digital Democracy
Mailing List**

Date:
Oct 27 2000 17:52:41 EDT
From:
"Campaign for Digital Democracy"

Subject:

Smart Initiatives on the California Secretary of State's Website

Dear Campaign for Digital Democracy mailing list subscriber,

To see the official notice that the Smart Initiatives Initiative is now in circulation, go to:

http://www.ss.ca.gov/elections/elections_j.htm

To read the SII Title and Summary and to see pertinent procedural information about the SII, go to:

http://www.ss.ca.gov/elections/elections_j.htm#circulating

Regards,

Marc Strassman
Executive Director
Smart Initiatives Project

Message Number 127 for Campaign for Digital Democracy Mailing List

Date:

Oct 29 2000 22:17:03 EST

From:

"Campaign for Digital Democracy"

Subject:

Support for Smart Initiatives as Campaign 2000 Ends

Dear Campaign for Digital Democracy mailing list subscriber,

As we enter the last full week of Campaign 2000, it's comforting to see how strongly the two major party candidates (and Ralph Nader as well) are supporting the idea of Smart Initiatives, even if they don't realize it.

Texas Governor George W. Bush's core slogan is: "I trust the people."
Vice-President Al Gore constantly re-iterates, "I will fight for you."

And Green Party candidate and consumer advocate Ralph Nader's entire program revolves around citizen empowerment.

I hope this means that convincing people of the appropriateness of Smart Initiatives, and of gaining the explicit support of these three politicians, regardless of which one becomes President, is a foregone conclusion.

If it isn't, it will be up to us to win the campaign on our own. I'm sure we can.

Enjoy the last days of Campaign 2000, wherever you are, and however you feel about it and its stars.

Regards,

Marc Strassman
Executive Director
Smart Initiatives Project

Message Number 128 for Campaign for Digital Democracy Mailing List

Date:

Nov 03 2000 23:26:22 EST

From:

"Campaign for Digital Democracy"

Subject:

Live from New York, It's Smart Initiatives

Dear Campaign for Digital Democracy mailing list member,

In case you missed the original webcast, you can now watch "Live from New York, It's Smart Initiatives," as it was recorded on October 16th on The Lionel Show on eYada.com. Just click here:

http://www.eyada.com/redirect/redirect_bof.cfm?id=6&date=101600

Regards,

Marc Strassman
Executive Director
Smart Initiatives Project

**Message Number 129 for
Campaign for Digital Democracy
Mailing List**

Date:
Nov 06 2000 23:37:52 EST
From:
"Campaign for Digital Democracy"
Subject:
New Smart Initiatives Website

A few odds and ends remain, but most of our new website is up and running.
Please take a look, at the old URL:

<http://www.smartinitiatives.org>

If you belong to other mail lists, please forward this URL to them.

Thanks.

**Message Number 130 for
Campaign for Digital Democracy
Mailing List**

Date:
Nov 09 2000 01:29:59 EST
From:
"Campaign for Digital Democracy"
Subject:
Reasons and Links

Here in one place is a collection of reasons for supporting the Smart Initiatives Project/Initiative and of links to supporting materials. Please feel free to re-post and widely distribute this information.

You can learn more about the Smart Initiatives Initiative by visiting its official website at:

<http://www.smartinitiatives.org>

Top Ten Benefits of the Smart Initiatives Initiative, which will:

1. Save the state and counties time and money in the processing of initiative petitions
2. Provide for the definitive authentication of EVERY petition signature, not just a random sample
3. Counter the efforts of opponents of the initiative process who want to raise signature requirements
4. Reduce confrontation between signature gatherers and private property owners who don't want their property, such as malls, shopping centers, and post offices, used for collecting signatures on initiative petitions
5. Make it easier for citizens to sign initiative petitions and to know and understand what they are signing
6. Reduce the cost of qualifying an initiative by a factor of up to one hundred times (from a million dollars to the ten thousand dollars needed to build a first-class website)
7. Build the infrastructure needed to provide Californians with a wider range of e-government services at all administrative levels, thereby increasing citizen convenience and reducing government (and therefore taxpayer) costs for many government services
8. Provide Californians with the means to participate more easily and more often in wide range of existing and emerging e-commerce transactions, including signing contracts online under the provisions of the recently-passed federal E-Sign Bill, all of which will stimulate productivity growth and general economic growth without inflation, and which could result in lower taxes
9. Position California as the leading state for e-government and

e-commerce, thereby competitively advantaging its citizens and businesses as we move into the 21st century

10. Protect the environment by allowing for more political and economic activity with less travel, energy consumption, and resulting ecological degradation.

Here are the titles and links to some articles about Smart Initiatives and related subjects:

1. Internet Voting Circa
2002 <http://ic.voxcap.com/issues/issue228/item4339.asp>
2. Could the Internet Change
Everything? <http://ic.voxcap.com/issues/issue249/item5418.asp>
3. Putting the "E-" in
E-democracy <http://ic.voxcap.com/issues/issue294/item6421.asp>

Links to all three papers can also be found at:
<http://ic.voxcap.com/bios/bio956.html>

A briefing paper published in 1999 by the Progressive Policy Institute entitled: "Jump-Starting the Digital Economy (with Department of Motor Vehicles-Issued Digital Certificates)" explains the background of the Smart Initiatives Initiative and can be found at:

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

You can hear an audio and video discussion of the virtues of Smart Initiatives by clicking here:

http://www.eyada.com/redirect/redirect_bof.cfm?id=6&date=101600

Smart Initiatives are the subject in this segment of the October 16th webcast of Lionel's Show at eYada.com:

http://www.eyada.com/redirect/redirect_bof.cfm?id=6&date=101600

There are more text and audio links on the Media Wall at the Smart Initiatives website at:

<http://www.smartinitiatives.org/English/mediawall.html>

To join the Smart Initiatives Mailing list, click here:

<http://www.smartinitiatives.org/English/maillinglist.html>

Message Number 131 for Campaign for Digital Democracy Mailing List

Date:
Nov 13 2000 00:09:27 EST
From:
"Campaign for Digital Democracy"
Subject:
After Florida, What?

Dear CDD mailing list member,

Here are some thoughts I've put together about the implications of the mess in Florida for electronic democracy. Please feel free to read as much of it as you'd like. If you want to, you could forward all or parts of this posting to your local newspapers and radio and television stations, all of which are looking for new things to say about the current stalemate. You can tell them whatever you want to about these ideas, or refer them back to me, at etopia@pacificnet.net, or do both.

The idea is to make the discussion about the failure of the current elections system a discussion about how electronic democracy systems and principles could improve how we govern ourselves.

Sincerely,

Marc Strassman
Executive Director
Smart Initiatives Project

After Florida, What?

By Marc Strassman
Executive Director
Smart Initiatives Project
etopia@pacificnet.net
November 12, 2000

Many people are saying that the voting mess in Florida demonstrates the need for Internet voting now. The situation in Florida is the combined result of using antiquated technology within an outmoded administrative model in a political context that failed to generate the clear margin of victory needed to obscure the overall dilapidation of the entire system.

But converting a system based on IBM 360 technology from the mid-60s to a remote Internet voting system, and expecting voters who were baffled by stylus-and-punch-card technology to instantly grasp drag-and-click systems, may be overly optimistic.

I voted this time on a touch-screen system from Global Election Systems, here in Los Angeles. It was fast, fun, and, I assume, accurate. I was validated to the system with a smart card that was personally programmed for me by an election worker, who "charged" it with the right to vote once in my districts after I signed and gave her the back cover of my voter pamphlet, which had been mailed to me.

This was at least as secure as the standard procedure here, which prohibits election workers from asking for ANY ID from prospective voters. If I, and all other voters, had already had a smart card that contained my name and address, we all could use that card to vote on these touch-screen machines, without any additional intervention from on-the-scene election workers, who could then concern themselves principally with helping people figure out how to insert the cards in the machine and how to select by touch the candidates and initiative and referendum options of their choice.

But this approach is not remote Internet voting. And I believe that at this point in time, it is a better way to ascertain the will of the people

Remote Internet voting has yet to overcome some important technical and administrative problems. The most interesting one, in my view, is what I call the problem of "anonymous authentication." Electronic voting, under our democratic system, needs to be anonymous. That is, the authorities need to be unable to determine WHO has cast any particular ballot. On the other hand, each voter needs to be authenticated, one way or another, to a greater or lesser degree of certainty.

With paper ballots of any kind, the authentication happens when the election worker checks the voter in and thereby checks his or her name off the list of people who are entitled to vote again. Remote Internet voting systems can do this by identifying a person wanting to vote by means of a PIN, a password, or, more rigorously, a digital certificate.

Paper ballots are anonymized by tossing them into the ballot box, where the uniformity of every ballot (apart from their content) effectively makes it impossible to know which person cast which ballot. Thus are voters able to be both anonymous AND authenticated, using paper ballots.

While it may be theoretically doable, no one has yet explained to me intelligibly and persuasively exactly how it's possible to simultaneously authenticate and anonymize a ballot in cyberspace, where there is no way to create the virtual equivalent of a ballot box in which to effectively shuffle the electronic ballots so no one can tell who voted how. Any system that attempts to anonymize the ballot of a person already authenticated to vote is going to leave an electronic trail of the process by which it has attempted to perform the anonymization. Working backward along that trail will eventually reveal whose ballot it was that was "anonymized," which is, of course, no anonymity at all.

One can argue that by making it illegal to "de-anonymize" electronic ballots, the practice can be prohibited. When has making something illegal ever succeeded in keeping it from happening?

There are other technical problems with Internet voting. The California Task Force on Internet Voting has highlighted most of them, including the use of viruses and Trojan horse programs to block, change, or modify remotely-voted electronic ballots, and the use of denial-of-service attacks to effectively shut down election servers during the crucial and limited hours of an election.

There is also the infamous "digital divide," much discussed already, which is regularly invoked, not as an argument for providing every citizen with the means and the training to effectively use the Internet for civic activities, such as voting, but as a reason for denying everyone the opportunity to so use it.

Here is a final note on the lessons of Florida as they apply to remote Internet voting. If and when these technical and social obstacles to the use of the Internet for remote voting are overcome, we should decide now that the software used for such a system be Open Source. Open Source software means software where the computer code that runs a program is in the public domain. It is freely available on the Net. It can be examined and inspected by anyone who wants to.

Making Internet voting software Open Source will eliminate the undesirable situation where counties use propriety Internet voting software programs that are closed to the public, which makes the public jurisdictions using them dependent on private, for-profit companies for the maintenance and possible upgrade of the code that they, and their

citizens, depend on to give them free and fair elections.

Not using Open Source remote Internet voting software will further undermine public confidence in the election system, even before it is used at all. As we know very clearly from the current imbroglio in Florida, it is confidence in the system that is most damaged by fouled-up election procedures, and without which the continued viability of that system comes into question.

This is without mentioning the cost savings available to voting jurisdictions who get their Internet voting software under a licensing agreement that charges them nothing at all for the code, while allowing private companies to make money on Internet voting by providing documentation, training, and support to the counties. In the wake of the Florida debacle, we might even hope that all the states (whose responsibility it is to conduct elections) will decide to spend substantial sums to upgrade voting operations. As counties everywhere undertake to upgrade their voting operations, the situation will be ripe for local voting authorities to take advantage of an Open Source approach that gives them the code for free and allows them to contract for support services that will allow them to re-invent themselves at a much high level of competency.

Open Source voting code will also allow the collective expertise of the computing and the political communities to be used to debug and upgrade the quality of any particular Open Source voting software, including both interface and security aspects.

Given all this, along with the clear message from Palm Beach County that the old ways are not good enough, how can we put the power of the Internet to use NOW in a way that is fair, useful, and establishes the basis for its further development as a tool of democratic self-governance?

Not every state has the initiative process, but almost half of them do. The initiative process (and the associated processes of referendum and recall) was instituted at the urging of the Progressive movement around the turn of the 20th century. Hiram Johnson, the Progressive Party governor of California at the time, successfully championed its adoption in that state in 1911. It was designed to allow the people of California to circumvent the state legislature, which was then famously a captive of the era's special interests, especially the railroads, who were maintaining a stranglehold on farmers who wanted to ship their produce to the East

Today, however, the initiative process has in many ways become an equally famous captive of this era's special interests. The principal means of

this control resides in the fact that it now takes about one million dollars to qualify an initiative measure for the ballot in California. This cost, in turn, is the result of the fact that antiquated and inefficient methods are still being used to collect and process the nearly half-million signatures required to put a statutory initiative on the ballot, or the nearly 800,000 needed to put a constitutional amendment there.

In is in the initiative process that the power, speed and efficiency of the Internet can be used to give the people more say in how they govern themselves, without running up against the problems apparently inherent in remote Internet voting.

By allowing citizens to sign initiative petitions over the Internet, the laborious check-by-hand validation process that costs the taxpayers so much and makes the initiative qualification process take so long, and be so uncertain, could be replaced by the fast, cost-effective, and elegant use of digital certificates to authenticate the signatures.

Some of this uncertainty, by the way, comes from the use of random samples and arcane formulas for projecting signature totals that are routinely used in qualifying every California initiative. If you enjoy "hanging chads" as the critical determining factor in electing the President of the U.S., you ought to also enjoy the mysterious ways in which initiative petitions are now processed to determine their eligibility for consideration by the voters of California.

Public Key Infrastructure (PKI) and its associated elements, including Certificate Authorities (CAs), Repositories, Revocation Lists, Public and Private Keys, Digital Certificates, and Digital Signatures, have been created precisely to allow people to do business in cyberspace, to definitely and legally participate in all manner of commercial transactions over the Internet. The banking, insurance, and HMO industries worked long and hard to see to it that the recently-passed and promulgated E-Sign Bill reflected their interests in the transition to e-commerce. Consumer groups were also heard from before this landmark bill became law, insuring that consumers would be protected from any negative effects of allowing digital signatures to be used to enter into contracts online.

Now that the private sector and the consumer movement (not to mention the House of Representatives, the Senate, and the President) have all agreed on language legalizing digital signatures for transactions on the Web, it's time to apply this new law (it went into effect on October 1, 2000) to transactions between citizens and their government.

While the E-Sign Bill legalized digital signatures as an instrument for projecting one's legal identity into cyberspace, it did nothing to provide individual consumers or citizens with the digital certificates they will need to take advantage of this law in the commercial, political, or e-government spaces.

Enter the Smart Initiatives Project, a group working to fill the digital certificate gap and, simultaneously, further legalize the use of digital signatures created by digital certificates for the specific purpose of signing initiative and other official petitions online.

The Smart Initiatives Project drafted the Smart Initiatives Initiative and shepherded it through the first steps of the process required to qualify an initiative in California. Now, using the Net as intensely as possible for media and public education, recruitment and coordination of volunteers, fundraising, and even for the distribution of actual petitions, the Smart Initiatives Project is attempting to work within the antiquated system that is blocking access to the powerful initiative tool to ordinary people and organizations in order to replace that system with one that takes advantage of the Internet's reach, speed, and ubiquity so as to open up the initiative process to new ideas and new participants.

Not only are Smart Initiatives a good way to re-furbish the initiatives process in states that already have the initiative process, but it is also a great form in which to introduce the concept of initiatives into states that don't yet have it. And while I don't myself at this time support such a reform, those who feel that the states are unimportant enough and national majorities significant enough to justify abolishing the Electoral College (this was Senator-elect Hillary Clinton's first post-election recommendation) might consider adopting a National Smart Initiative System (NSIS) as the proper form for a national initiative process.

But what about the objections listed above to Internet voting? Don't they also stand in the way of moving the initiative process into cyberspace? Actually, they don't.

"Anonymous Authentication" is definitely NOT a problem for the Internet-based signing of initiative and other official petitions. The essence of signing any kind of petition, including an official one, is that by doing so, the signer is publicly declaring him or herself in favor of whatever it is that the petition is calling for. There is no need, therefore, to keep the names of the signers anonymous. Even the idea of anonymously signing a petition is kind of nonsensical.

There are, moreover, already in place certain safeguards to protect the privacy, if not the anonymity, of citizens who sign official petitions.

All the laws that currently protect the privacy of petition signers are carried forward under the provisions of the Smart Initiatives Initiative.

In fact, since signers' names will not be visible on paper forms when people sign petitions online with digital certificates, the signers will probably enjoy more privacy using electronic methods than they now enjoy using pen-and-ink methods.

The denial-of-service attacks that shut down a number of Net powerhouses earlier this year, and which could just as easily shut down an Internet voting site, would be irrelevant in the context of Smart Initiatives. Since under current law initiative petition signatures are collected over a 150-day period, and not just a single day, a concentrated attack designed to shut down a particular server hosting one or more circulating initiative petitions would be of marginal significance. Nor is there anything in the provisions of the Smart Initiatives Initiative that would prevent initiative proponents from hosting their initiative petition on multiple servers, creating redundancies that are of the essence in the Internet's architecture and which would render much more difficult the efforts of lawbreakers to violate the integrity of the online signing process.

As for viruses and Trojan horse programs that would take over citizens' computers and use them to sign petitions illegally, common sense tells us that any cracker capable of overriding or subverting a computer owner's control of his or her machine and using their digital certificate for mischievous and/or nefarious purposes is more likely to use that stolen control to transfer funds available online to their own account than to manipulate code to unlawfully sign an initiative petition.

Furthermore, by adding a confirmation procedure to the signing process, it would be possible to ask every digital signer of a petition to verify that they have indeed chosen to sign a particular petition.

As to the "digital divide," under the terms of the Smart Initiatives Initiative, every adult Californian with either a driver's license, a state ID card, or a voter registration card will be entitled to a smart card containing their digital certificate, at no extra cost to them. This means that citizens without computers of their own will be able to use their smart cards to authenticate themselves over the Internet, using any current or future devices that provide for such access.

At the present time, this would include computers at Kinko's, in schools, libraries, or in public kiosks. In the future, as broadband and wireless ubiquity provides easier access from more types and more instances of Internet devices, these cards (and their successors) will allow just about everyone to avail themselves of the right to sign initiative petitions

online granted them by the Smart Initiatives Initiative.

These are, I think, persuasive answers to questions that can be raised against the use of the Internet to sign initiative petitions. There are, in addition, many positive reasons to support this project. I've listed ten of them below, and added some links to related sites.

You can learn more about the Smart Initiatives Initiative by visiting its official website at:

<http://www.smartinitiatives.org>

Top Ten Benefits of the Smart Initiatives Initiative, which will:

1. Save the state and counties time and money in the processing of initiative petitions
2. Provide for the definitive authentication of EVERY petition signature, not just a random sample
3. Counter the efforts of opponents of the initiative process who want to raise signature requirements or shorten collection periods, or do both, or exclude certain people from collecting them, or prohibit the paying of signature gatherers
4. Reduce confrontation between signature gatherers and private property owners who don't want their property, such as malls, shopping centers, and post offices, used for collecting signatures on initiative petitions
5. Make it easier for citizens to sign initiative petitions and to know and understand what they are signing
6. Reduce the cost of qualifying an initiative by a factor of up to one hundred times, from a million dollars to the ten thousand dollars needed to build a first-class website, thereby allowing individuals and groups without million dollar budgets to participate in the initiative process
7. Build the infrastructure needed to provide citizens with a wider range of e-government services at all administrative levels, thereby increasing citizen convenience and reducing government (and therefore taxpayer) costs for many government services
8. Provide citizens with the means to participate more easily and more often in a wide range of existing and emerging e-commerce transactions, including signing contracts online under the provisions of the

recently-passed federal E-Sign Bill, all of which will stimulate productivity growth and general economic growth without inflation, and which could result in lower taxes

9. Position states that adopt it on the leading edge of e-government and e-commerce, thereby competitively advantaging their citizens and businesses as they move into the 21st century

10. Protect the environment by allowing for more political and economic activity with less travel, energy consumption, and resulting ecological degradation.

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<http://www.smartinitiatives.org/English/mediawall.html>

To join the Smart Initiatives Mailing list, click here:

<http://www.smartinitiatives.org/English/maillinglist.html>

To make a contribution to the Smart Initiatives Project, click here:

<http://www.smartinitiatives.org/English/donationsset.html>

To download a copy of the Smart Initiatives Initiative for signing and mailing in, click here:

<http://www.smartinitiatives.org/English/petition/petition.html>

Here are the titles and links to some articles about Smart Initiatives and related subjects:

1. Internet Voting Circa
2002 <http://ic.voxcap.com/issues/issue228/item4339.asp>
2. Could the Internet Change
Everything? <http://ic.voxcap.com/issues/issue249/item5418.asp>
3. Putting the "E-" in
E-democracy <http://ic.voxcap.com/issues/issue294/item6421.asp>

Links to all three papers can also be found at:
<http://ic.voxcap.com/bios/bio956.html>

Message Number 132 for Campaign for Digital Democracy Mailing List

Date:
Nov 17 2000 18:45:52 EST
From:
"Campaign for Digital Democracy"
Subject:
Speaker's Commission on the California Initiative Process, and Comments

Dear CDD subscriber,

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.

Sincerely,

Marc Strassman
Executive Director
Smart Initiatives Project

**Message Number 133 for
Campaign for Digital Democracy
Mailing List**

Date: Nov 18 2000 18:54:19 EST
From: marc strassman <transmedia@pacifinet.net>
Subject: moving forward

Dear Subscriber,

In an effort to move the digital democratization of California ahead on Internet time and not "politics-as-usual" time, I have sent the e-mail included below to California Assemblymember and Majority Leader Kevin Shelley of San Francisco. In it, I suggest that his office and my organization, Smart Initiatives Project, work together to bring Internet voting to California. I suggest we do it through the initiative process, which would allow a limited form of Internet voting to become State policy without the approval of Governor Davis, who has vetoed one of Majority Leader Shelley's Internet voting bills already and who promised, in Friday's San Jose Business Journal, to veto the next one as well.

I'm also including a copy of the Virtual Voting Rights Initiative (1996) mentioned in the text. Everyone on this list as of November 13, 2000, should have received a copy of "After Florida, What?", which is referred to also. If you haven't got it, you can find a copy of it in the Smart Initiatives archives, at:
<http://www.listbot.com/archive/SmartInitiatives>.

Sincerely,

Marc Strassman
Executive Director

Smart Initiatives Project

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

Virtual Voting Rights Initiative

To the Honorable Secretary of State of California:

We, the undersigned, registered, qualified voters of California, residents of _____ Country (or City and County), hereby propose amendments to the Elections Code and the Government code, relating to voting, 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 any special statewide election held prior to that general election or otherwise provided by law. The proposed statutory amendments read as follows:

Virtual Voting Rights Initiative

SECTION 1. Section 107 is added to the Elections Code, to read:
107. (a) The Secretary of State shall design, develop, and implement a

digital electoral system for the collection, storage, and processing of electronically generated and transmitted digital messages to permit any otherwise-eligible person to register to vote, sign any petition, and vote in any election, including applying for and casting an absentee ballot, using that system.

(1) The identify of the person submitting the digital message shall be established and the submission shall be authenticated as being the work product, political product, or actual and attributable communication of this identified person by the use of that person's digital signature, as defined in subdivision (d) of Section 16.5 of the Government Code.

(2) Each message may be originated in any electronic device, as long as the message is readable by an industry standard digital file server that shall be designated by the Secretary of State as the state electoral server and, in order to be valid and accepted for its intended purpose, shall be transmitted through a secure digital network that meets prevailing industry standards for these networks. Originating devices may include, but are not limited to, the following digital platforms: computers, touch-tone telephones, freestanding kiosks with touch screens, keyboards, or mice, personal digital assistants, interactive televisions, virtual personal assistants on phone networks, cable television systems, phone company or other fiber-optic networks, or utility company powerlines.

(b) No person shall willfully manipulate the digital electoral system specified under subdivision (a), either by destroying data in it, interfering with the operation of the system, transmitting false or inauthentic data, using the digital signature of another person without the consent of that other person, or securing the digital signature of another person by deceit, fraud, threat, coercion, subterfuge, trick, misrepresentation, or by buying the digital signature for money or any other valuable consideration and using it to enter and transmit false or inauthentic data. Any person who violates this subdivision shall be prohibited from using any public computer network for no more than three and no less than one year and shall be fined three thousand dollars (\$3,000).

(c) The Secretary of State shall provide each candidate for elective office and each committee supporting or opposing a ballot measure with a reasonable amount of space on the state electoral server in order to provide candidates and committees with the means to store and make accessible multimedia documents including text, graphics, audio, video, and interactive forms and intelligent agents in order to provide the candidates and committees with a means to communicate with the electorate and to provide citizens and others with a means to obtain information about the candidates and ballot measures and to communicate their own views, opinions, suggestions, ideas, and comments to candidates or committees. Generally accepted industry standards shall be ascertained and employed in providing for the formatting, collection,

and storage of the documents to be used for this purpose and for making them accessible through public computer networks and online services under the terms of this section. The identity of the sender and the authenticity of the submission to be posted on the state electoral server may be established by the use of digital signature, at the discretion of the submitting person or group.

(d) The Secretary of State may research, design, develop, purchase, and deploy the hardware, software, network resources, and training for his or her staff, county election staff, and the general public necessary to implement the provisions of this section. The Secretary of State may contract with one or more private vendors to wholly or partially provide the data collection, storage, processing, encryption, decryption, and authentication and the network resources required to implement the provisions of this section.

SEC. 2. Section 3024 is added to the Elections Code, to read:

3024. Any person may vote by means of the digital electoral system authorized by Section 107 during the same time period that absentee ballots are permitted to be cast.

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 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.

Initial 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 that the Secretary of State and all county elections officials shall permit the use of digital signatures for the purposes of voter registration, petition signing of all types allowed by the Elections Code, voting in any election, including the application

for and casting of an absentee ballot, and for identifying and authenticating submissions to the Secretary of State for posting on the state electoral server. Nothing Except as specified in this subdivision, 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 71088 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. The provisions of this measure are severable. If any provision of this measure or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Message Number 134 for Campaign for Digital Democracy Mailing List

Date:

Nov 20 2000 13:07:46 EST

From:

"Campaign for Digital Democracy"

Subject:

The Teledemocracy Revolution that Never Was

Dear CDD subscriber,

Here's an article published today in the E-GOVERNMENT BULLETIN. Free subscription information follows the article.

SECTION THREE: US ELECTION SPECIAL - DIGITAL PETITIONS

THE TELEDEMOCRACY REVOLUTION THAT NEVER WAS

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.

* 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>

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Please send comments on coverage or leads to
Dan Jellinek at: dan@headstar.com

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**Message Number 135 for
Campaign for Digital Democracy
Mailing List**

Date:
Nov 20 2000 16:53:16 EST
From:
"Campaign for Digital Democracy"
Subject:
Smart Initiatives In San Jose

Dear CDD subscriber,

Here's a URL for "More votes for online ballot?" from the November 17, 2000, print edition of the Silicon Valley/San Jose BusinessJournal:

<http://www.bizjournals.com/sanjose/stories/2000/11/20/smallb1.html>

Read it especially for the part about California Assembly Majority Leader Kevin Shelley's plans for Internet voting and California Governor Gray Davis' opposition to it.

Regards,

Marc Strassman
Executive Director
Smart Initiatives Project

**Message Number 136 for
Campaign for Digital Democracy
Mailing List**

Date:
Nov 22 2000 17:48:46 EST

From:
"Campaign for Digital Democracy"
Subject:
Open Source and Smart Initiatives

Dear CDD subscriber,

The burgeoning mess in Florida is generating unprecedented calls for a quick techno-fix, perhaps Internet voting. Having worked for four years to interest people in and educate them about Internet voting, it's a bit weird to hear calls for its overnight adoption coming from places where it has hardly been a household word before.

Nonetheless, all this interest can be useful if it encourages serious thought about the complexities and dynamics of moving to a Universal System of Open Source Digital Authentication and Democratic Participation. In order to provide some useful background to the discussion of the relevant issues, I'm forwarding to you two documents and two links:

1. Web Voting System Could Be Built For \$250 Million - Report

<http://www.newsbytes.com/news/00/158530.html>

2. Erik Nilsson's response to this report.

3. My response to Erik's post

4. FREE Open Source Internet Voting software

<http://www.thecouch.org/free/>

If you know your Java and feel suitably motivated, start playing around with the program. Doing so will automatically make you a participant in the Open Source Internet Voting Software Project.

If you download and look at all these items, you'll be in the thick of today's most interesting political and technical discussion, namely, how do we get from today's morass to tomorrow's bright, shining future. If only it were that easy.

But I think I can see glimmers of a way out and up in the discussion I hope these and related documents will guide and inspire.

Give thanks for everything you have.

Regards,

Marc Strassman

Here's what Erik Nilsson said:

Subject:

RE: \$250 Million estimate

Date:

Wed, 22 Nov 2000 16:12:25 -0500 (EST)

From:

"Erik Nilsson" <erikn@cpsr.org>

To:

e-lection@research.att.com

Sounds kinda cheap!

Yeah, that number sounds cheap to me because:

1. Internet access is far from universal. It would be necessary to provision Internet access for the majority of Americans who do not have it. Even if this could be provided for only \$10 per eligible voter, that's still around \$1 billion.

You have to provision this for eligible voters, not actual voters, because you don't know who will actually vote until they do, so you can't not provision the service because you know somebody won't vote. For \$10 each, you aren't buying people computers and hooking them up to the Internet, but rather providing them in polling places. (Existing public Internet access is inadequate, and much of it is not free. You can't charge people to vote. Besides, keeping viri and Trojan horses off of private computers is hard enough; it's impossible for public computers that aren't carefully controlled in a polling place.) So, there still is a differential in access: some people get to vote at home whenever they want; some people have to go to a polling place on a specific day.

2. Voters who are not Internet-literate will need voter education. If this education can be performed for \$20 per eligible voter who needs it, that's still probably \$1 - \$2 billion.

3. Laws and administrative procedures would need to be revised, at great cost.

4. Since none of the Internet voting systems I have looked at or had described to me will work, a research program of unknown costs must be undertaken to solve this possibly intractable problem.

5. If research uncovers a new mathematical or encryption theory which solves the currently unsolvable problems of Internet voting, the software won't be cheap. Internet voting companies have attracted tens of millions in venture funding. Those venture capitalists want to see these companies achieve a market cap in the hundreds of millions of dollars, which means that these companies need to generate hundreds of millions of dollars in profits, which inevitably requires billions in sales. Those billions will go partly into profit, partly into the salaries that will be needed to attract the hard-working, brilliant people who make the software. But those billions will be paid by counties, and ultimately by taxpayers.

6. The most promising areas of research all involve Public Key Infrastructure (PKI). PKI is not widely deployed today, so there would be a cost of doing that, almost certainly less than the cost for #1 above. Also, PKI is a hard concept to grasp. Voters will need to be trained in PKI, at a cost almost certainly greater than the cost of #2 above.

- Erik

This message was distributed through the e-lelection mailing list.
For info and archives see <http://www.research.att.com/~lorrie/voting/>

=====

Then I said:

Subject:

Quarter of a Billion Dollars is Not Nearly Enough

Date:

Wed, 22 Nov 2000 13:41:55 -0800

From:

marc strassman <transmedia@pacificnet.net>

Organization:

Smart Initiatives Project

To:

e-lelection@research.att.com, erikn@cpsr.org

Dear Lorrie and Erik,

I agree with everything Erik says in his last post.

I support an Open Source solution to the problems he identifies. Specifically, we should create an Open Source PKI Foundation to write and distribute the best possible PKI in Open Source form. Doing so would advantage and pave the way for an Open Source Internet voting product,

which will, if it can be done at all, solve the almost intractable problems now standing between us and a secure, private, workable, remote Internet voting system.

The Smart Initiatives Project is exactly working to do what Erik recommends:

6. The most promising areas of research all involve Public Key Infrastructure (PKI). PKI is not widely deployed today, so there would be a cost of doing that, almost certainly less than the cost for #1 above. Also, PKI is a hard concept to grasp. Voters will need to be trained in PKI, at a cost almost certainly greater than the cost of #2 above.

The Smart Initiatives Initiative (at <http://www.smartinitiatives.org>) will require the State of California to create and manage a Certificate Authority, issue digital certificates and smart cards to every adult Californian, and let registered voters use this PKI to digitally sign initiative petitions. Combined with an Open Source PKI Project that would deliver to the State at no cost the software necessary to issue these certs and run this Certificate Authority, this scenario would prepare the way for a Universal System of Digital Authentication and Democratic Participation, since the electronic petitioning process could be used to propose an Open Source Internet Voting Initiative, an Open Source E-Government Initiative, and any other reforms we might care to offer.

Along with distributing the certificates and cards to the voters of California, the State would, perforce, need to educate them in their use. The practice people get in using them for political purposes could be expanded into countless e-commerce, distance learning, and other non-governmental transactions, all of which are authorized under the terms of the Smart Initiatives Initiative.

Political reformers and technical professionals who want to carry out fundamental reforms using their experience and expertise in the field of networked computing should take a look at Smart Initiatives and, if they like what they see, do what they can to involve themselves and their organizations in working for its actualization, in California, throughout the US, and worldwide.

Sincerely,

Marc Strassman
Executive Director
Smart Initiatives Project

**Message Number 137 for
Campaign for Digital Democracy
Mailing List**

Date:
Nov 30 2000 13:43:04 EST
From:
"Campaign for Digital Democracy"
Subject:
Smart Initiatives on PICnet

Dear CDD subscriber,

Visit the Political Information Center for an overwrought introduction to a discussion about the initiative process, with references to former California governor Hiram Johnson and contemporary social critic Peter Schrag.

Go to: <http://www.picnet.net> for the homepage, or to:

<http://www.picnet.net/articles.php3?id=450> for the article itself.

Regards,

Marc Strassman
Executive Director
Smart Initiatives Project

**Message Number 138 for
Campaign for Digital Democracy
Mailing List**

Date:
Nov 30 2000 15:15:51 EST
From:
"Campaign for Digital Democracy"
Subject:

Commentary in the Sacramento Bee

Dear CDD subscriber,

Most of you have already received, through this list, a copy of "After Florida, What?" The Sacramento Bee ran a version of this essay as an op-ed piece last Sunday, November 26th, in their Forum section. You can read it online at:

http://www.sacbee.com/voices/news/voices05_20001126.html

Regards,

Marc Strassman
Executive Director
Smart Initiatives Project

**Message Number 139 for
Campaign for Digital Democracy
Mailing List**

Date:

Dec 06 2000 04:24:46 EST

From:

"Campaign for Digital Democracy"

Subject:

Offer of Cooperation Sent to California Secretary of State

Dear CDD subscriber,

In an effort to move the political dialectic on Smart Initiatives forward, I just sent the e-mail below to the California Secretary of State. Who knows what the impact will be?

In addition to the material and links included in the e-mail, I'd also like to include two other related links:

The Speaker's Commission on the California Initiative Process, referred to in the e-mail, can be found at:

<http://www.cainitiative.org>

Not included in the text below is this link to an exchange on the Smart Initiatives Initiative between me and Secretary Jones. It's available on the Media Wall on the Smart Initiatives website (<http://www.smartinitiatives.org>), or directly at:

<http://www.bookchat.org/BillJone.html>

Here's the e-mail:

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

**Message Number 140 for
Campaign for Digital Democracy
Mailing List**

Date:
Dec 11 2000 13:58:49 EST

From:
"Campaign for Digital Democracy"
Subject:
A Third Way for Electoral Technology

Dear CDD Subscriber,

President Bill Clinton in the U.S., Prime Minister Tony Blair in the U.K., and Chancellor Gerhard Schroeder in Germany are pioneers of "The Third Way," a political direction different from either untrammelled capitalism or rampant socialism.

In the article linked below, I suggest that Smart Initiatives does what neither archaic Vot-o-Matic chad-punchers nor unproven remote Internet voting can do, namely, put the Internet to work in a viable way to increase democratic options and participation.

You can find this material today at the top of the Political Information Center (PICnet.net) homepage at:

<http://www.picnet.net/>

No matter where the header of the article is on subsequent days, you can find the article itself at:

<http://www.picnet.net/articles.php3?id=463>

Regards,

Marc Strassman
Executive Director
Smart Initiatives Project

**Message Number 141 for
Campaign for Digital Democracy
Mailing List**

Date:
Dec 14 2000 03:52:11 EST
From:
"Campaign for Digital Democracy"

Subject:
Fuzzy Math for Smart Initiatives

Fuzzy Math for Smart Initiatives

By Marc Strassman
etopia@pacificnet.net
Executive Director
Smart Initiatives Project
<http://www.smartinitiatives.org>

December 14, 2000

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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 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.

Message Number 142 for Campaign for Digital Democracy Mailing List

Date:
Dec 17 2000 05:01:51 EST
From:
"Campaign for Digital Democracy"
Subject:
Slip Sliding Away

Dear CDD subscriber,

Below are some observations on the relationship between the electoral chaos in Florida and the advent of Internet voting.

But first, two administrative notes:

1. I expect an increase in posts in the coming weeks. So I'd like to build up the number of subscribers to this list, so that more people can be involved. If you have any way to distribute the subscription URL to people (without spamming them, of course), it would be great if you could. Here it is:

<http://DigitalDemocracy.listbot.com/>

2. I think it might be interesting if some of us could meet to chat online. For me, the best way to do that is to download and install (for free) Yahoo! Messenger. With that program, we can meet online in a Conference Room and chat about issues of mutual interest. We can also save and publish our conversations. Those of us with microphones can also chat using sound. Eventually, these conversations will also be audio recordable and we'll be able to post them as streaming video for others to listen to as well.

Anyone who'd like to participate in such chats can e-mail me through here or at etopia@pacificnet.net, telling me when you'd prefer to meet (please specify date, time, and your own time zone), what you'd like to discuss, and if you have voice chat capability. I'll collect and sort your submissions and send out an announcement through here or by e-mail to the participants about when and in which chat room we'll assemble.

Here are the observations:

Slip Sliding Away

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.

Message Number 143 for Campaign for Digital Democracy Mailing List

Date:
Dec 17 2000 05:15:59 EST
From:
"Campaign for Digital Democracy"
Subject:
audio, not video

Dear CDD subscriber,

When I suggested in the last post that our audio recordings could be posted as "streaming video," I of course meant to say "streaming audio." Eventually, I hope we CAN record our chats as video, post them as streaming video and share them around the world. But for now, we'll have to confine ourselves to text and audio.

Regards,

Marc Strassman

Message Number 144 for Campaign for Digital Democracy Mailing List

Date:

Dec 18 2000 19:01:37 EST

From:

"Campaign for Digital Democracy"

Subject:

Etopian Elections

Dear CDD subscriber,

Now available through Digital Goods is a new book, containing all the posts from this mailing list and a lot more.

It's called "Etopian Elections: Virtual Voting, Smart Initiatives, and the New Electronic Democracy." You can sample and buy it at:

[http://commerce.softlock.com/servlet/Blaster/45019/8795/EtopianElections\(Sample\).pdf?
A=***8zP](http://commerce.softlock.com/servlet/Blaster/45019/8795/EtopianElections(Sample).pdf?A=***8zP)

If you like it enough to tell a friend or co-worker, please send them this URL, rather than using the "Send" function at the Digital Goods site. This will ensure a larger royalty to the author.

Regards,

Marc Strassman
Executive Director
Smart Initiatives Project

Brief Afterward

This document is a work in progress. It is a tool for building a new democracy in our time, a democracy that is fully participatory and uses the best technology and the best that is in us to provide the best possible environment for our full flowering. Take what you need and leave the rest.

Here is a copy of the original "Virtual Voting Rights Initiative" (VVRI), which I wrote in 1996.

Virtual Voting Rights Initiative

(1996)

To the Honorable Secretary of State of California:

We, the undersigned, registered, qualified voters of California, residents of _____ Country (or City and County), hereby propose amendments to the Elections Code and the Government code, relating to voting, 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 any special statewide election held prior to that general election or otherwise provided by law. The proposed statutory amendments read as follows:

Virtual Voting Rights Initiative

SECTION 1. Section 107 is added to the Elections Code, to read:

107. (a) The Secretary of State shall design, develop, and implement a digital electoral system for the collection, storage, and processing of electronically generated and transmitted digital messages to permit any otherwise-eligible person to register to vote, sign any petition, and vote in any election, including applying for and casting an absentee ballot, using that system.

(1) The identify of the person submitting the digital message shall be established and the submission shall be authenticated as being the work product, political product, or actual and attributable communication of this identified person by the use of that person's digital signature, as defined in subdivision (d) of Section 16.5 of the Government Code.

(2) Each message may be originated in any electronic device, as long as the message is readable by an industry standard digital file server that shall be designated by the Secretary of State as the state electoral server and, in order to be valid and accepted for its intended purpose, shall be transmitted through a secure digital network that meets prevailing industry standards for these networks. Originating devices may include, but are not limited to, the following digital platforms: computers, touch-tone telephones, freestanding kiosks with touch screens, keyboards, or mice, personal digital assistants, interactive televisions, virtual personal assistants on phone networks, cable television systems, phone company or other fiber-optic networks, or utility company powerlines.

(b) No person shall willfully manipulate the digital electoral system specified under subdivision (a), either by destroying data in it, interfering with the operation of the system, transmitting false or inauthentic data, using the digital signature of another person without the consent of that other person, or securing the digital signature of another person by deceit, fraud, threat, coercion, subterfuge, trick, misrepresentation, or by buying the digital signature for money or any other valuable consideration and using it to enter and transmit false or inauthentic data. Any person who violates this subdivision shall be prohibited from using any public computer network for

no more than three and no less than one year and shall be fined three thousand dollars (\$3,000).

(c) The Secretary of State shall provide each candidate for elective office and each committee supporting or opposing a ballot measure with a reasonable amount of space on the state electoral server in order to provide candidates and committees with the means to store and make accessible multimedia documents including text, graphics, audio, video, and interactive forms and intelligent agents in order to provide the candidates and committees with a means to communicate with the electorate and to provide citizens and others with a means to obtain information about the candidates and ballot measures and to communicate their own views, opinions, suggestions, ideas, and comments to candidates or committees. Generally accepted industry standards shall be ascertained and employed in providing for the formatting, collection, and storage of the documents to be used for this purpose and for making them accessible through public computer networks and online services under the terms of this section. The identity of the sender and the authenticity of the submission to be posted on the state electoral server may be established by the use of digital signature, at the discretion of the submitting person or group.

(d) The Secretary of State may research, design, develop, purchase, and deploy the hardware, software, network resources, and training for his or her staff, county election staff, and the general public necessary to implement the provisions of this section. The Secretary of State may contract with one or more private vendors to wholly or partially provide the data collection, storage, processing, encryption, decryption, and authentication and the network resources required to implement the provisions of this section.

SEC. 2. Section 3024 is added to the Elections Code, to read:

3024. Any person may vote by means of the digital electoral system authorized by Section 107 during the same time period that absentee ballots are permitted to be cast.

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 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. Initial 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 that the Secretary of State and all county elections officials shall permit the use of digital signatures for the purposes of voter registration, petition signing of all types allowed by the Elections Code, voting in any election, including the application for and casting of an absentee ballot, and for identifying and authenticating submissions to the Secretary of State for posting on the state electoral server.* ~~Nothing~~ *Except as specified in this subdivision, 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 71088 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. The provisions of this measure are severable. If any provision of this measure or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Looking back towards the VVRI of 1996, my efforts in support of its castrated legislative progeny, AB 44, which was sold out by an ambitious and opportunistic Democrat Assemblymember, then crushed underfoot and kicked overboard by an ignorant and fearful Republican Governor Pete Wilson, and looking forward to future efforts to bring Internet voting to life, I wrote a series of articles about the democratic possibilities of the new communications technology for IntellectualCapital, a short-lived and under-appreciated forum for new political and technological ideas. The first one ran on their website starting on May 6, 1999, towards the end of the last century. Two others were published later in 1999, and a fourth was written and accepted for publication, but the website went out of business before it could run.

Internet Voting Circa 2002

(Thursday, May 06, 1999)

With the Internet becoming more powerful, prominent, cheaper and ubiquitous by the hour and with political participation levels lower than ever and sinking precipitously every election cycle, it only makes sense to consider fixing the latter by means of the former.

Protecting identities

Internet voting and its cousin, digital signatures on initiative petitions, are now seen by many observers as inevitable steps in a national effort to get people back to the polls or, more accurately, to get the polls out to the people.

How would Internet voting look in, say, the 2002 elections? Surprisingly, it would not look much different than ordering books at Amazon.com looks today, with the operative metaphor being a "digital ballot," instead of an "electronic shopping cart." The main difference would be that the security and authentication levels would be higher, since we would be electing our officials and not just ordering mystery novels or other light entertainment.

The standard Internet voting system would require each voter to have a "digital certificate," an advanced type of account number that is capable of "digitally signing" any document generated by a computer, including an Internet ballot. During the digital signing process, the ballot would be encrypted so that it cannot be read (or altered) while in transit to the "virtual polling place" (the server used by the electoral jurisdiction).

When it arrives at the official server, this powerful computer would retrieve the voter's "public key" from a trusted Certificate Authority and use it to decrypt the encrypted ballot. If the ballot file decrypts coherently, the official server will know two things: it was sent by the person who signed it, and it has not been tampered with since he or she signed it.

Authenticated identity and non-tampering are the two most important things that need to be established by the Internet voting system. The use of digital certificates to generate digitally signed ballots makes it possible to determine both the identity of the sender and the integrity of the ballot to a degree of certainty far exceeding that which what now exists with the often almost-informal means used for brick-and-mortar voting.

The other important and necessary feature in an Internet voting system is a way to ensure the anonymity of the ballots' content so that no voter can be associated with the way he or she voted. The standard Internet voting system of 2002 will achieve this by first authenticating the voter's identity, removing his or her name from the list of voters eligible to vote in that election, stripping his or her identifying information off the file, then sending the file to the tabulation server for aggregation and counting.

On Election Day ... or Days

That is how the technology will work, but what about the experience of going to the ballot box?

By 2000, state Departments of Motor Vehicles will issue driver's licenses and state identification cards on "smart cards," credit-card-size objects with a computer chip and electronic memory inside them.

Pre-loaded on these smart cards will be each person's unique digital certificate. These digcerts also will be sent by e-mail from the DMV to the computer(s) of everyone who asks for them. The smart cards will now be in the hands of everyone eligible to vote, since they will be generated and provided, at no additional cost, to everyone who has any form of state identification.

During the election period (starting two weeks before Election Day and ending at 8 p.m. on that day), voters with access to the Internet will visit the election site (at, say, <http://www.votesite.net>), and enter their names and addresses. This will allow the system to determine their precincts and to generate and deliver personalized electronic ballots that correspond to their places of residence, and include all the candidates and ballot measures that voters in that district are entitled to vote on.

The actual voting process will take less time than it does now. By clicking in a box next to a candidate's name, or by clicking on the candidate's name itself, the voters will make their selections. Similar clicking will allow the voters to express a "Yes" or "No" preference on each ballot measure. Voters can skip around, return to any section, or change their votes. When they are finished making their choices, they click on the "Finished" button, which causes the system to display all their selections for their review and approval. They can still make changes to any of the items.

When the voters are satisfied with their choices, they click on the "Submit" button, and that's it. A "digital ballot" file containing their selections is then created and "digitally signed" by their digital certificate and sent to the electoral server.

There, using the voter's public key, it is de-crypted, the voter's name is removed from the list of voters eligible to vote in that election, all identifying information is stripped off, and it is sent to the tabulation server, where it will be counted.

What about those left behind?

There are two groups that might be left behind by the adoption of digital voting: communities (including nations) with little penetration of technology and individual voters without access to computers.

For entire states that lag behind in the transition to electronic voting, the consequences may be dire. Because the digital-voting infrastructure also enables e-commerce at a high level, jurisdictions that tarry while others move forward will suffer the inevitable effects of being unable to compete effectively, economically, culturally and in terms of quality of life.

What about voters without computers in jurisdictions with electronic voting? They will go, as they always have, to their local polling place. There, they will enter a voting booth containing an "Internet Voting Appliance" (IVA)©, a specialized laptop computer that contains a slot for a smart card, a touch screen for input and a wireless Internet connection for transmitting ballots. The process here will be essentially identical to that experienced by voters who use their own computers at work or at home -- access to a Web site is access to a Web site, however achieved.

Once the proper ballot appears on the IVA, the mobile voters will make their choices just as their at-home or at-office counterparts will do. When they are finished making their selections, they, too, will click on the "Submit" button, signaling the IVA to use the digital certificate on their inserted smart cards to digitally sign their ballots.

The ballots submitted from home, office and polling place will be stored during the voting period on the electoral server. The final results will be known within seconds of the ritual clicking of the "Calculate Totals" icon on the control terminal at the office of the election administrator. No more waiting around all night for concession speeches and for victory parties to begin. Democracy will be on Internet time.

The choice for officials and voters then, is clear. Dare the electronic electoral edge, or be left behind. Give citizens access to voting through the most powerful communications tool ever devised, or see political-participation rates drop so low that any claim to being a democracy will be laughable. Our choice now is reminiscent of and is part of the larger set of choices referred to by the Raymond Massey character at the end of the 1936 film version of H.G. Wells' "Things to Come": "Which shall it be? The universe ... or nothing? Which shall it be?"

Marc Strassman is the executive director of the Campaign for Digital Democracy and the president of The Internet Voting Company.

You can access the collected comments on this piece submitted online by readers at:
[reader posts commenting on Internet Voting Circa 2002.pdf](#)

The day after this was published, I spoke at a conference in Washington, D.C., organized by the Initiative and Referendum Institute. David Broder of the Washington Post was there and he wrote the following:

David Broder Covers Me at the Initiative and Referendum Institute Conference

(May 7, 1999)

From page 237 of David S. Broder's "Democracy Derailed: Initiative Campaigns and the Power of Money":

He was followed by Marc Strassman, the founder and leader of the Campaign for Electronic Democracy, an Internet-based national effort to persuade states to allow electronic voting and—where the initiative process is available—the collection of ballot-measure signatures via the Internet. If the legislatures see the beauty, simplicity, and economy of this scheme, and Congress does the same for the nation, "we can have initiatives, voting, politics, and government at the speed of thought," he said. "What about the people who don't have computers?" a member of the audience asked. "They will get cheaper and smaller," Strassman replied, "and a liberal government would want to give computers away" to those who need them. Some might be skeptical, but Rick Arnold [owner of a signature-gathering company] assured the audience, "Democracy will be changed by this technology." He added with a smile, "I'm looking for another job myself."

Somewhat surprisingly, given his own use of the initiative, Ron Unz said he was skeptical of this vision. "We'd have eighteen hundred initiatives on the ballot in every election in California," he said, "and people would get sick of it, just like they're sick of government-by-polling today. We should raise the barrier, discourage people from putting up initiatives. There should be some kind of merit test." But the proponents were not fazed. "The legitimacy of an idea would be measured by how much support it has," Strassman said.

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Published by Harcourt, Inc.

One year and one day later, and after Broder's coverage had been published, I wrote this response to his treatment.

**Putting Democracy Back on Track:
A Reply to David S. Broder and
“Democracy Derailed: Initiative Campaigns and the Power of Money”
(May 8, 2000)**

David Broder is arguably the most important political columnist now working in the US. He has covered every presidential election since 1960. He's been writing for the prestigious Washington Post since 1966. I haven't. But I have been politically active since then, and I want to contrast some of his recent pronouncements with my own experience of real-world politics over the last 35 years.

Mr. Broder has just published “Democracy Derailed,” in which he rails against the initiative process, saying that it has become corrupted from its Progressive and Populist roots and now serves as a means for rich dilettantes to meddle in a law-making process which rightfully, and constitutionally, belongs to the duly elected representative legislatures of the several states.

Now I'm the last person who wants to see our fundamental freedoms or even our current way of life violated and destroyed by the manipulations of power-hungry, self-financed autocrats paying to qualify initiatives and paying more to get them passed with slick ad campaigns. If that ever happened, it would be horrible. I'm ready to oppose such moves and I imagine there are enough others who feel the same way that this scenario will not occur (although, of course, it might).

The core of Mr. Broder's argument is that the initiative process violates the republican nature of our government, as established by the Constitution. (This even though many prominent initiatives passed in recent years in California have been thrown out, in varying degrees, by the courts.) The essence of the core of his position is that we are and must remain a representative, and not a direct, democracy.

Broder rightly points out that the Framers of the Constitution (especially James Madison), believed that the best form of government, the one most likely to protect fundamental liberties, and in their own words, “promote the general welfare,” was one where governmental decisions were made, not by “the people” themselves, but by their elected representatives. Such an approach, Madison and Broder believe, works best because it filters the public's often-shifting desires through a system of checks and balances in which the actual decisions are made by selected representatives who are more capable of governing than are the masses of the population themselves.

Naturally, the direct legislation that is possible through the initiative process is anathema to those who, like Broder, believe that the best form of democracy is the representative kind, not the direct.

I would like to cite a few instances in my own experience that argue to the contrary.

Two years before Mr. Broder joined the staff of the Washington Post, in 1964, in May, I attended the Commencement ceremony at the University of California at Los Angeles, on a field trip from my high school, where I was a junior. Lyndon Johnson, recently ascended to the presidency, stood before thousands of us and said, "I will not send American boys to fight the battles that Asian boys should fight." Compared to Barry Goldwater's statements about almost anything, Johnson sounded like a good choice for someone who preferred neither to kill nor be killed in the then-obscure land of Vietnam.

I worked for Lyndon Johnson that year. I knocked on doors and told people to vote for Lyndon Johnson, because he was the Democrat and not the warmonger. He won. Shortly after winning, he began sending more and more American boys to fight in a war he'd told us should be fought by Asian boys. Almost fifty-eight thousand American boys, and girls, never came back from that war, except as corpses.

Lyndon Johnson had been elected to represent us. Of course, he'd lied about his intentions and he lied and he lied about Vietnam and what was happening there. So I showed up at the Century Plaza Hotel in Century City on June 23, 1967, a little more than three years after he'd lied to us at UCLA a few miles up the road, along with Dr. Benjamin Spock, Mohammed Ali (in the midst of appealing his conviction for refusing to fight in Vietnam), and hundreds of others to demonstrate our feelings of betrayal at how our representative in the White House was not representing us faithfully at all. The LAPD, claiming to represent "the people of California," responded to our peaceful efforts by beating more white people at one time than they ever had or ever would again, at least until the Democratic convention in Chicago the next year.

Our representatives were giving representation a bad name.

As for the judicial branch, I once had a chance to ask Stanley Mosk, who could in fact be called the David Broder of liberal jurisprudence in California for his long, distinguished, record and the high repute in which he was held, a basic question about the law.

He was giving a talk at the Wilshire Temple in Los Angeles and told the audience that the legal conclusions enunciated by the California Supreme Court were not invented by the justices of that institution, but rather were found by them, pre-existing in something akin to the perfection of Platonic forms and then, like Moses on Sinai, brought down to the waiting multitudes. If that's the case, I asked him from the audience, as he towered over us down below, like Moses, or God himself, or like a Justice of the California Supreme Court (even though he was pretty short himself), if that's true, then why aren't all decisions of the Supreme Court unanimous?

He wouldn't answer; he couldn't answer, he never answered, even when I tried to engage him in a friendly discussion of what seemed to me an interesting issue during the reception that followed his speech. He wanted us to think that judicial pronouncements were holy writ, that they were beyond time, or personality, or economic interest, when these elements are of their essence.

As for the Congress of the United States, the body that Broder's argument enshrines as the foremost repository of our freedoms and our well-being, let me only mention two brief phrases: "impeachment for high crimes and misdemeanors" and "campaign finance reform". With few exceptions (Bernie Sanders of Vermont comes to mind) no one can be elected to the House of Representatives, and certainly not to the United States Senate, without spending hundreds of thousands of dollars that come, almost by definition, and certainly in fact, either from wealthy individuals or big corporations.

Minor differences with current policy are tolerated. But no one is elected to "represent" us who is not either in fundamental agreement with the priorities of those doling out the money or able to act as though he or she is in fundamental agreement with these priorities. This is representative democracy, but it is not democracy in which the people are represented. It is representative democracy in the sense that special interests of various types are represented, and are represented to the extent that they can afford to be.

In fact, once you realize the congruity, or the identity, of today's special interests with what Madison called "factions," you can begin to realize the terrible irony inherent in the fact that our constitutional system, designed to protect against power grabs by instituting a system of checks and balances and representation, has, though that very system, led to a situation where "faction" has overcome the barriers raised against it and has enshrined itself under the name of its opposite, which is democracy.

So, while Mr. Broder may make a superficial, or theoretical, argument showing that representative democracy is good and direct democracy is bad, the facts of my own experience, and I suspect the experience of not a few others, do not convince me that so-called representative democracy, with checks and balances, an independent judiciary, a popularly-elected Congress, and an indirectly-elected President (through the Electoral College) is, to coin a phrase, all that great.

Suffice it to say that every president since the 60s has disappointed in one way or another. Johnson and Nixon sent tens of thousands of Americans and millions of Vietnamese and Cambodians to their deaths without a constitutionally-required declaration of war. Reagan waged an illegal war in Central America and presided over the creation, by his former campaign manager, William Casey, of an "off-the-shelf" extra-constitutional shadow government.

Congress responds to the needs of its stockholders (I mean its campaign contributors) far more than it does to its customers (I mean us citizens.)

The U.S. Supreme Court rules that the Food and Drug Administration cannot regulate nicotine (to which millions are addicted and if not as a drug, then as what, a harmonica?), but allows thousands upon thousands of people to be incarcerated for possessing small amounts of marijuana. Who's being represented by that decision?

To summarize, it seems evident that representative democracy in America, which Broder lauds as the highest form of self-government, has, over the last 35 years, been so rife with corruption, venality, hypocrisy, self-promotion, and banality as to render his argument seriously invalid.

But don't rely on my limited experiences and my possibly idiosyncratic take on politics since the mid-60s. Consider the words of architect Christopher Wren, who famously left his own epitaph within one of his designs, St. Paul's Cathedral in London. He wrote (here translated loosely from the Latin), "If you're looking for a monument to me, just look around."

The disdain, apathy, even vilification that most Americans now direct towards their political institutions and especially the politicians who populate these institutions, is plenty of monument to the functioning of representative democracy in the U.S. since 1965. With or without relying on the evidence and reasoning I've submitted here, most Americans have, intuitively or logically or both, come to hold an extremely low opinion of the institutions of "representative self-government" that now exist.

Only half the registered voters voted in the national elections of 1998. That's half of registered voters, not eligible voters. A new city charter was adopted Los Angeles in 1999 by fewer than 10% of the registered voters in the city. Who's being represented here?

With legislators who've been captured by those with the biggest checkbooks, with Presidents who abandon the platforms they run on in order to satisfy the needs or whims of their public or private patrons, with courts marching to a combination of their own idiosyncratic and often ideological drums, where is the representation of the people in this "representative democracy"?

It's possible that some kind of out-of-control initiativocracy could strip away the Bill of Rights and enslave us all. It's possible we've reached the end of history and the end of politics. But I think it's more likely that, despite how loosely the spirit and often the letter of the Constitution has been disregarded by all branches of the government in recent years, as the idyllic economic and social milieu we've recently been enjoying gives way to rising oil prices, increasing unemployment, a precipitously declining stock market, falling consumer confidence, and a rising chorus of demands for a foreign war to keep oil prices low and the SUVs rolling, we will once again turn to politics and the government to resolve the decisions these changes will require.

It will matter then, even more than it does now, that we be able to enact into law and then execute as law, the decisions we make collectively as a people. Representative democracy has been the structure for making these decisions that we've employed in the last 35 years, and beyond that, to the founding of what we call, of course, the Republic.

David Broder believes that this form of democracy, representative democracy, is its only true form. And he knows an awful lot about both the theory and practice of democracy. But he's not the only one who's experienced the politics of "representative" democracy in recent years. Some of the rest of us have too. And some of us don't feel all that represented.

Maybe something a little more direct, even with the new problems that will bring, maybe new forms of direct democracy no one's thought of yet, maybe something built around the Internet and not the horse-drawn carriages that brought James Madison, Benjamin Franklin and the others to the Constitutional Convention in Philadelphia 211 years ago, might do for us what the original Constitution did for them then: put the best ideas in the world to work for the people of this country and, by our example, everyone else in the world.

On my way back from the Initiative and Referendum Institute's conference in Washington, D.C., I stopped off in Lake Chelan, Washington, State, to address a conference of state and county election officials

The Future of Internet Voting:
A Presentation Made to Washington State Officials Assembled
at Lake Chelan, Washington State
(May 15, 1999)

You can hear my presentation at:

<http://sfm.lpbm.org:8080/ramgen/thefutureofinternetvoting-lakechelan051599.rm?usehostname>

Could the Internet Change Everything?

(Thursday, June 17, 1999)

The recent controversies involving racial re-apportionments of congressional districts highlight some of the ways having Internet voting as a mainstream capability might allow us to move way beyond many of our current political dilemmas (and into new ones).

Once we can vote over the Internet, the process of self-governance might begin to take on characteristics not possible with the inflexible, industrial metaphor-based systems we mostly use now, ones that essentially require everyone to (often literally) punch in at the voting factory at one time and in one place.

With the legalization of Internet voting, individual voters will be empowered to vote more or less whenever and from wherever they please, within certain limits. Like telecommuting, televoting as a process is indifferent to how the individual voter performs the voting task (or what they are wearing as they perform it) and is interested only in facilitating the production of the work product, in this case the completed digital ballot.

New affiliation

With Internet voting, and the recent passage of federal legislation allowing states to elect representatives in ways more complex than single-member-winner-take-all constituencies, it may become practical to allow voters to aggregate themselves in new and creative ways. Voters can achieve representation in ways they consider more meaningful than the current geographically-based system.

California recently enacted an open, or "blanket" primary, designed to allow independent voters to vote in the often-determinative primaries of the "major" parties. To a great extent, this reform has rendered completely meaningless the idea of membership in a political party, since non-"members" are now allowed to pick a party's candidates.

Combined with the right to register, or re-register, over the Internet, this arrangement could quickly lead to the proliferation of many new smaller parties. With the transaction costs of changing your "party affiliation" reduced to almost zero, voters could flow into and out of parties with ease.

These new cyber-parties could appeal to potential members on the basis of race, ethnicity, age, gender, height, income or location. They could also organize themselves around ongoing issues (such as education, crime, health care) or ad hoc concerns as they arise (e.g., stop the bombing, introduce ground troops, negotiate a settlement). These new organizations then could look for new ways to exert traditional political power.

The two-party system as we know it, for better or worse, may therefore be an early victim of Internet voting.

Is direct democracy far-fetched?

Successful Internet-based initiative campaigns (in which digital will focus on substantive issues of interest to voters, while simultaneously building the organizational and technical infrastructure for a national initiative process.

The emergence of an Internet-mediated national initiative process will accelerate the political transformation being effected by Internet voting on the national level. The new state-level, small-party groupings will want to merge with like-minded colleagues into national parties to pursue common agendas through the national initiative process and to help to elect sympathetic representatives in multiple states.

With proliferating state and national electronic initiatives, the need at any level for "representatives" to "represent" voters who have by now repeatedly demonstrated their ability to legislate on their own without the sky falling or civil liberties being trampled may be called into question. Direct digital democracy, the specter haunting the contemporary political landscape, may no longer hesitate to speak its own name.

That same transition to a broadband, ubiquitous, invisible, global Internet that is happening in the United States could take place around the world, at all levels of government. The result could be a global aggregation and merging of like-minded individuals and groups to form global parties, which could pursue "free-trade-with-a-vengeance" or "the-environment-first" agendas, working up and down the jurisdictional ladder worldwide to implement their preferred policies.

Such a politics would eventually undermine the authority of nation states, which might, under the impact of globalized Internet voting and its offshoots, go the way Italy and France may soon go as a result of the creation of the European Union.

‘We are the law’

As a result, individuals and groups would be free to assert their values and preferences instantaneously and universally. They could appeal to global public opinion, and use sensible thinking, clever sound bites, compelling images and emotional appeals to convince billions of people of their suggested course of action.

Legacy national elites and global corporations might or might not find this state of affairs to their liking. Such groups could be expected to support, oppose, or attempt to co-opt the transformation spelled out here depending on how they felt it would affect their own interests. The dialectic of power between these entrenched elements and the emerging world democratic entity may be the core conflict and the main story of the early 21st century.

Toward the end of "The Verdict," Paul Newman's character tells the jury, "You are the law." We the people are equally sovereign in this democracy, and letting ourselves use the Internet to govern ourselves will position us as the direct descendants and heirs of

both the ancient democrats of classical Athens and the Enlightenment democrats of neo-classical colonial America.

As third-wave democrats, using the Net to realize the dreams of our political progenitors, we won't be the last step in social evolution, but we will be taking a quantum leap into a new paradigm that will yield a qualitative increase in our ability to govern ourselves and manage our affairs as a mature, but still vibrant, species should.

Maybe not childhood's end yet, but at least graduation from kindergarten. As Churchill said, "Not the end, or even the beginning of the end, but perhaps the end of the beginning."

Marc Strassman is the Executive Director of the Campaign for Digital Democracy and the President of VoteSite.com, the internet voting company, which can be found at <http://www.votesite.com>.

You can access the collected comments on this piece submitted online by readers at: [reader posts commenting on Could the Internet Change Everything.pdf](#)

Putting the 'E-' in E-democracy

(Thursday, September 16, 1999)

E-mail is widely recognized to be the most popular of all Internet applications. Likewise, making sure that your legislative representatives know how you feel about issues and how you would like them to vote on specific bills is among the most important of your civic responsibilities. It therefore stands to reason that using e-mail to express your political views to your representatives in the halls of government is one of the most likely points of intersection between the government space and the Internet space.

Yet, e-mail has not evolved into a frictionless means for communicating public sentiment to elected lawmakers for both political and technological reasons. The technical problems now are largely solved or soluble; the political obstacles may take a little longer to remove.

Cleaning out the inbox

Chief among the technical problems is restricting incoming e-mail to a legislator to messages from his or her constituents. Since, apart from his contributors, the media and his conscience, constituents are the most important factors in a representative's political life, he must expend that most precious of commodities, his attention, mainly on them and not on well-meaning people who do not affect his re-election chances.

Fortunately, the same identification and authentication technologies I have been exploring in my efforts to build and implement an Internet voting system easily can be adapted to identify constituents and authenticate their status as bona fide electors in any given representative's district.

In fact, some of this technology is so sophisticated that it is not difficult to allow constituents to choose to authenticate themselves as residents of a particular district while still obscuring their own particular identity. Whether this will make a greater or lesser impact on the target representative is a political, not a technical, issue.

Once e-mails have been filtered/sorted to exclude non-constituents, the next problem is making sense of them. As things stand now, armies of interns in the halls of Congress and other legislative bodies busy themselves continuously opening paper envelopes and sorting the enclosed correspondence according to whether it favors an action, opposes it, or wants more information about it. Stacks of letters accumulate, and constituent opinion generally is assumed to be analogously expressed in the relative heights of the "pro," "con," and "send me more information" piles.

Fortunately, existing software applications now can easily be modified to automatically sort thousands of e-mails daily. By publicizing (on the Net) sets of keywords that constituents could use to express simple or nuanced views on public issues, legislators

can use these advanced filtering engines to essentially poll constituents constantly and in depth at a relatively low cost.

Toward direct democracy

In fact, existing and emerging e-mail systems soon will become so powerful that, assuming we can answer the question of how to provide everyone with equal access to e-mail, the whole political system might soon change. The question may soon arise as to what function, other than negotiating with other representatives, is being performed by a “representative” when the constant flow of e-mail allows a software program to determine precisely the state of public opinion within a district.

If we can determine via authenticated and electronically-sorted e-mail what the percentages are in each district of citizens who are for or against an issue or bill, and we can reach a consensus on how to trade off competing interests, according to the importance of the issue to each voter, the current balance of compromises made in the past, and whatever other obvious or complex factors now guide the deliberations of our representatives then maybe we can let millions of e-mail votes determine the direction of the republic.

Would the results necessarily be any worse than letting the current system, so heavily influenced by campaign contributions from entrenched special interests, carry on indefinitely into the future?

Most telling, this scenario closely resembles the likely consequences of initiating a system of Internet voting, along with the granting of voters, at least in states that use the initiative process, the right to electronically sign initiative petitions over the Net.

The Progressive movement originally deployed the initiative process around the turn of the last century. Recently, as momentum has built to use citizen lawmaking more often and more intensely, countervailing forces have emerged to limit and curtail it.

Efforts to stifle the initiative process abound. Even absent these attempts, it now costs so much to qualify an initiative for the ballot that only the already well-to-do can afford to qualify, thereby effectively excluding almost everyone from this increasingly important means of making law and policy. We should allow citizens, millions of whom are online everyday, to use the same means of identification and authentication they now use to buy books, trade stocks, participate in auctions, and order music and videos to affix their electronic signature to proposed legislation. This would help right the large and growing imbalance in political influence between common people and the professional political class and its clients who increasingly dominate the initiative process, as they also dominate the normal legislative process.

Disintermediating the intermediaries

The common thread that emerges from a consideration of using e-mail to write your representative and of using electronic signatures to sign initiative petitions online is that the Net can render elected representatives irrelevant. In short, the Net can let us govern ourselves.

If the people can easily and relatively inexpensively make laws by proposing, qualifying and passing initiatives online, is a legislature needed to perform the same function? Consider that a legislature makes decisions by consulting tens of people whose opinions and views are highly privileged at the expense of millions who are de-privileged by this concentration of power.

The other obvious common theme is that the Internet, in both these cases, has the potential to “disintermediate” almost any transactional process as it has already demonstrated in the world of e-commerce. Legislators earn their keep by “intermediating” for their constituents. They collect, perhaps imperfectly, information about them and then exchange that information with other “intermediating” representatives to reach a calculation and a consensus on policy and legislation. The sturm und drang of congressional bickering and deal-making is the flashy costume worn by this process of national-level intermediation.

But the Internet lets all of us share the fun. As we see in the instances of e-mail consultations and electronic initiative signing, the Net is about to become so powerful, so ubiquitous, and so easy to use that every citizen can participate more directly than ever before in the making of the rules by which we govern ourselves.

The transition to a more participatory and direct form of democracy will not be an easy one, but it will have profound implications for all citizens, current and future. Lawmakers, and everyone who prophesies with his or her laptop, should keep their eyes wide open.

Marc Strassman is the executive director of the Campaign for Digital Democracy and the president of VoteSite.com, the Internet voting company, which can be found at <http://www.votesite.com>.

You can access the collected comments on this piece submitted online by readers at: [reader posts Commenting on Putting the E in E-democracy.pdf](#)

Myths and Realities in Internet Voting *(January 31, 2000)*

Now that the prospect of voting over the Internet in real elections from remote terminals has become the subject of serious consideration by politicians and industry leaders, it may be appropriate to address and dispel some of the more egregious and pernicious myths that opponents of the process have conjured up as a means of trying to stop what most commentators now consider to be the inevitable advent of this more advanced means of ascertaining the will of the voting public.

The risk of fraud, and of hacking generally, is usually cited as the worst threat posed to the democratic process by unrestrained voting over the Internet from home and office, hill and dale, and anywhere in between. This worry is followed closely, and in the minds of some Internet voting nay-sayers, is surpassed, by concern about “the digital divide,” which refers to the uneven distribution of computing resources and Internet access across the vast and varied American population.

In the case of fraud, the standard used by critics to engender alarm is that of an idealized, flawless system for ensuring the honesty of every voter and the integrity of every ballot cast. Opponents of remote Internet voting endlessly imagine and vigorously lament the villainous scenarios they argue that letting people use the same means for voting that they already use for e-mail, e-commerce and countless other tasks will engender.

The threat and/or actual use of emotional and physical violence against intimates are the imagined cases most frequently cited as reasons for delaying into the far future (if ever) the deployment of Internet voting systems. In the vision of these Internet voting adversaries, letting anyone vote from the comfort and convenience of their home computer is an irresistible invitation to everyone else in their household to withhold their dinner, or their conjugal access, or to threaten to or actually beat them senseless in order to convince them to vote for, say, George W. Bush instead of Al Gore. Or vice versa. Yeah, right.

The fear of unrestrained familial violence as an impediment to remote Internet voting in the home gives way, in the context of the workplace, to equally dire fear of predation by “bosses” so intensely eager to deliver the vote for their chosen candidate that they are completely prepared to violate their workers’ moral and legal privacy rights by coercing them to vote the company ticket and, failing to achieve that goal by threatening their cowering workers’ jobs or, worse, the loss of their stock options, by throwing out the real votes cast by employees and substituting their own, more congenial results. If anything is more absurd than home voting scenario above, it’s this workplace one.

Every passionately expressed alarm about the ability of 14-year old hackers to decisively alter election results emerges from a mindset that steadfastly refuses to realize or acknowledge that most, if not all, elections are the culmination of months of campaigning during which participants' polls and media polls constantly monitor the state of voter opinion about the candidates or ballot measures. Anyone who thinks he or she could thwart the will of the voters by somehow artificially altering the election results by hacking into the voting system and posting vote totals that are drastically at odds with the mass of polling data that by that point are part of the public record is almost by definition too stupid to carry out the technical procedures that would be required to do so.

Furthermore, election results today ARE ALREADY collected and processed through computer networks. Merely altering the method by which voters indicate their choices and submit their ballots by letting them vote from their home and office computers, would be a change in degree, not in kind, as far as the overall process for determining election results goes. Ballots are already being counted by computers (in Los Angeles County, on IBM 360s from the '60s) and the totals are being compiled through network systems. If using networks for voting is as dangerous as the critics of Internet voting say it is, why haven't the existing, legacy systems been compromised? And how would bringing zero-something technology into the process make the system more, rather than less, vulnerable?

And now, the digital divide, as it relates to Internet voting.

From the moment the first circuit was completed in the first computer, there has been a digital divide, in that case between the scientists who built the computer and everyone else on the planet. In the early 80s, when cellular phones cost \$1200 and needed to be installed in the trunk of your car, there was a cellular phone divide.

While there has always been a digital divide, the term itself seems to have its origins in the Clinton administration's recent efforts to measure, label, and then reduce it. Its emergence as a convenient label for the disproportionate distribution of computing and networking resources, as it applies to various ethnic and income groups, was fortuitous from the point of view of Internet voting's opponents.

Now, in a complaint filed in the United States District Court for the District of Arizona, it is alleged that the use of Internet voting unlawfully discriminates against minority voters because, among other things, "African-American and Hispanic households are only 40% as likely as white households to have home Internet access."

The rules of the Arizona Democratic party's presidential primary in March, which this complaint seeks to enjoin, allows all registered Democrats to vote from computers in their workplaces as well. No mention is made of this fact in the complaint nor is any data presented concerning the access of minority voters to workplace computers, other than mentioning that participating voters can "vote over the Internet from a remote location."

Apart from the specific dishonesty in this complaint of arguing that the world's first binding public political election should be called off because Internet voting access for minorities is limited, without mentioning or investigating their ability to vote from their workplace, and arguing on the basis of this spurious data that the Democratic Party of Arizona should be prevented from offering Internet voting opportunities to anyone, there is the larger picture, the historical relationship between opponents of Internet voting and the minorities that they claim to be protecting.

As mentioned above, the digital divide has been around for a long time. Where were these defenders of minorities' interests then? For that matter, where are they now when it comes to closing the digital divide? One completely normal response, in fact, the only response possible for people who consistently support equality, non-discrimination, and full and equal access to the democratic process for all, is not to hold back those with Internet access who want to vote over it, but to see to it that ALL Americans, regardless of their race, ethnicity, or income, have access to the Internet and to the computing resources to take full advantage of that access for their educational, personal, commercial, and political needs.

The commercial sector is working hard and creatively to vastly broaden the universe of Internet users. Programs to give potential users free computers and free Internet access (including free DSL access), in exchange for valuable demographic data, are spreading rapidly. Thanks to Moore's Law, the cost of an equivalent amount of computing power continues to drop. The Clinton administration is asking Congress for \$100 million to help low-income Americans go online.

Will the opponents of Internet voting who claim it is discriminatory against minorities and the poor put their money and energy into these and other, or their own, efforts to resolve this American dilemma by empowering all our citizens with the essential tools of modern, 21st century American democracy? Or will they focus on crippling those who already have those tools, so that all are equally deprived of democratic electronic participation in shaping their government?

In the answer to this question will be revealed the true measure of the plaintiffs' commitment to the integrity of American democracy.

In April of 2000, I wrote to the Ericsson Corporation, pioneers and leaders in mobile cellular technology, suggesting the value of building a “Mobile Identification and Authentication Infrastructure (MIAI)” that would allow for secure transactions over cellular networks, including remote Internet voting.

**Memos to Ericsson Regarding a
Mobile Identification and Authentication Infrastructure (MIAI)**
(April 26, 2000)

To: Tom Deitrich, Vice President, Business Operations, Ericsson, Inc.

From: Marc Strassman, President, e-topia

Re: Wireless Voting and Associated Opportunities

Date: April 26, 2000

As Internet voting evolves from a concept to a reality, it will provide aggressive vendors with some interesting, and possibly lucrative, opportunities. Because Internet voting requires the highest level of identification and authentication before a citizen can vote online, building networks capable of mobile identification and authentication becomes an essential part of empowering people to vote anywhere anytime. But this infrastructure of mobile identification and authentication, once built to support Internet voting, can also provide the means to support the countless applications involved in “digital government,” the emerging paradigm of moving the transactional functions of local, state, and federal government onto the Web, thereby saving citizens time and, as the taxpayers who have to pay for these services, money.

(For more about digital government go to:

<http://www.dlcppi.org/texts/tech/digitalgovernment.htm>

and for more about the relationship between digital certificates, Internet voting and e-commerce go to:

<http://www.dlcppi.org/texts/tech/jumpstart.htm>)

Beyond supporting Internet elections and digital government, the Mobile Identification and Authentication Infrastructure (MIAI) will, of course, also greatly facilitate the expansion of e-commerce itself, since it will support an equally high level of security for transactions involving funds, contracts, access to secure documents and databases, and the hearing or viewing of multimedia files involved in education, entertainment, or job training.

So building an MIAI will expand democracy, streamline government, and expand the economy. For all these reasons, building it now represents a significant opportunity.

The core module of the MIAI is the Remote Identification and Authentication Module (RIAM). The RIAM is, in some ways, an adoption and expansion of existing “smart gun” technology, which disables a weapon until its owner speaks a code word in its “hearing.” The proper code word spoken by the registered owner allows the gun to operate. Similarly, by building into a cellular phone the functionality to record and store a selected password, spoken by the registered owner/user, another level of security could be created, on top of existing keypad-entered passcodes. Entering the keypad passcode could trigger an aural prompt to enter a spoken passcode, which could be as simple as the owner’s name or as complicated as a set of responses consisting of constantly updated inputs that change from day-to-day.

Also loaded into the non-volatile memory of the phone would be the owner's digital certificate(s). Once the owner had identified him- or herself to the phone, they would be enabled to use the digital certificate resident on it to "sign" whatever and "authenticate" themselves to whomever they were connected to. The phone, in effect, "vouches for" its owner to the network.

This basic configuration can also be applied to cordless phone handsets, to corded landlines, and to commercial phone systems, with keypad and spoken passcodes resident either on individual phones or a central switch, and the individual and corporate digital certificates stored on the central phone server. Adding speech recognition systems from companies such as Lernout & Hauspie or SpeechWorks would additionally allow systems so equipped to generate text files for use by receiving entities, as well as to convert text files delivered over the Net into easily-understood speech.

As the Internet is routinely deployed in cars and systems are built enabling handsfree use of it there, being able to add the kind of functionality that has been described here will nicely complement these systems' other capabilities. (Lernout & Hauspie have just signed an agreement to create such handsfree systems; see the details at: http://www.lhsl.com/news/releases/20000406_ultrasafe.asp)

My initial interest in these systems came from a desire to see the power and efficiency that were just becoming apparent in the Internet applied to the processes of politics and government. I now see how the capabilities I wanted to introduce into these limited spheres have the generalizable potential of transforming the transaction space in many other areas. I would like now to work with you and Ericsson in pursuing the creation of the Mobile Identification and Authentication Infrastructure (MIAI) and the Remote Identification and Authentication Module (RIAM) that enables it.