Electronic Democracy
(Ready or Not, Here It Comes)

by

Tracy Westen*

"The best way to predict the future is to create it."
—Peter Drucker

American democracy is about to change. This silent revolution does not involve such comparatively simple questions as: who will be our next President? or will Republicans retain control of Congress? The impending change is more fundamental. It will involve deeper, more structural, even seismic shifts that will move this country away from its traditional reliance on "representative democracy" toward newer, emerging forms of "direct democracy." The current revolution in communications technologies will play a catalytic role.

Two powerful trends will increasingly converge in the immediate future, possibly in an explosive manner, to transform our American system of electoral democracy into something very different than what we know today:

- **Rapid emergence of interactive communication technologies—**beginning with the Internet, but ultimately expanding to include seamless digital combinations of voice, data, audio, graphics and video, all distributed instantly via optical fiber and wireless global networks.

- **Growing frustration with institutions of "representative government"—**coupled with emerging forms of direct democratic participation**,** and driven by a mounting desire to affect political systems directly and immediately.

The framework of this new form of *electronic democracy* is already beginning to emerge. There seems no stopping it. Instead, the challenge we all face is how to control it, how to impose upon it electronic "checks and balances," how to preserve the goals of democracy—fairness, truth, trust, deliberation and balance—in the coming electronic age.

The First Trend: Interactive Digital Communication

Each new communications technology has significantly altered the nature of the dialogue between citizens and their elected representatives. The hustings, or raised platform, created the political orator; radio sparked the fireside chats; television introduced the Kennedy-Nixon debates and negative advertising. But at no other point in history has a communications technology had such a rapid impact on society as has the Internet.

Voters now have 24-hour access to information about candidates—they no longer have to wait for the morning paper or for network news coverage, or depend upon the judgment of editors and reporters to decide what is newsworthy. With a click of the mouse, voters can give direct feedback to candidates and elected officials, volunteer, organize for or against them, and make campaign contributions. As we move into the next century, interactive digital media have the potential to transform the architecture of American democracy.

The growth of new digital and wireless technologies is stunning. Take, for instance, the world's first major computer, ENIAC, built for the Pentagon in 1946. ENIAC contained 18,000 tubes and weighed 80 tons. The thousands of glowing tubes attracted so many insects that they short circuited the wiring and had to be removed by hand ("de-bugging").

By comparison, today's thumbnail-sized greeting card microchip that sings "Happy Birthday" when opened has more computing power than all of the Pentagon computers in 1940s combined. A Ford Taurus has more computing power than the Apollo space program's lunar landing module. The average desktop computer has more processing power than whole corporations and governments did just a few decades ago. Ray Kurzweil, writing in *Scientific American*, predicts: "By 2019 a $1,000 computer will at least match the processing power of the human brain. By 2029, the software for intelligence will have been largely mastered, and the average personal computer will be equivalent to 1,000 brains."

In 1993, the Internet's World Wide Web barely existed. As of January 2000, over one billion web pages were in existence. "Today, 160 million people worldwide are going online to shop, invest, trade and email. This figure is expected to increase to 320 million" by the end of 2001, reports Larry Irving, former Assistant Secretary of Commerce. According to A.C. Neilsen, almost two in three Americans over the age of 12 have access to the Internet and half of those go online every day.

America Online, Inc., (AOL), the nation's largest online company, had 1 million subscribers in 1994, 5 million in 1996, 10 million in 1997, 18 million in 1999—and more than 22 million subscribers today. More people now get their news from AOL than from the top five daily newspapers combined. In 1999 alone, Internet users generated nearly a billion instant messages a day, far more than the entire mail volume of the United States Postal Service. President Bill Clinton did not mention the Internet in his 1992 State of the Union address; he

mentioned it six times in 1996. By the 1996 election year, more than one-third of voters had used the Internet.

The world is rapidly going digital. This new communications technology will not just affect democracy; it will transform it. Because democracy is an interactive form of government, the revolution in interactive communications will inevitably have its greatest effect on the most important "interactive institution" – government itself.

The Second Trend: From Representative to Direct Democracy

The second trend is more subtle, less visible, yet more profound. It involves the slow movement from Western-style representative democracy to new hybrid forms of direct democracy.

Evolution of Representative Democracy

The oldest debate in western philosophy, dating back to Plato and Aristotle, involved the very nature of democracy itself. How should citizens govern themselves—directly, or through intermediaries?

Plato and Aristotle, for example, both believed that the universe was composed of matter and form. Plato thought that form, or the "ideal," could only be seen by a select few. Those few "philosopher kings" ("representatives") who could see the ideal polis should be given power to rule. Aristotle, on the other hand, thought that form was inseparable from matter, and that every individual had the capacity to see the "just" or "good" society. The ideal political system should nurture this capacity in ordinary people, educating them to participate in politics directly.

If we fast-forward over 2,000 years to the American Revolution, we see a similar debate over the architecture of democracy. Alexander Hamilton, distrusting human nature and seeing people as selfish and lacking in self-control, thought the reins of democracy should be placed in the hands of a select few. Thomas Jefferson, arguing that all men were created equal and that all people had wisdom and virtue, thought democratic government should place governmental control in the hands of individual citizens.

The Shays Rebellion tipped the scales in Hamilton's favor. In 1786, angry mobs of farmers protesting high property taxes drove the Whigs from office. Some drafters of the U.S. Constitution cited them as evidence that "an excess of democracy leads to anarchy" and warned against creating a "mobocracy." James Madison's compromise created a U.S. system of representative government, in which elected representatives would act as intermediaries between citizens and the powers of government.

Early Moves Toward Direct Democracy

During the past 200 years, our system of representative government has evolved well beyond what the Founders envisioned. Many of these changes have moved in the direction of "direct democracy."

- **The President** originally was elected indirectly by the Electoral College—that independent body of "wise members" chosen by state legislators. Although the Founding Fathers sought to avoid the direct election of the president, their intent was reversed by the end of the 19th Century. Today citizens cast their ballots directly for the president.

- **The Vice President** was originally elected indirectly as the second largest vote recipient in the Electoral College. Today the president chooses the vice president and citizens also cast their ballots directly for the presidential "ticket."

- **Senators** were chosen in 1789 by state legislators, not by popular vote. After August 17, 1939, voters elect United States senators directly.

- **The voting franchise** has been expanded considerably. Today women and minorities have the right to vote, and the voting age has been lowered to 18.

- **Term Limits** originally were not envisioned for president or Congress. Today presidents can only serve two terms, and attempts are pending to limit the terms of congressional office as well – a clear incursion into the powers of elected representatives.

Recent Symptoms of Distress

The institution of representative government itself has exhibited growing signs of distress over the last 30 years. One manifestation is a precipitous drop in public confidence.

In 1964, sixty-two percent of the people polled trusted government to "do the right thing most of the time." In 1998—36 years later—only 13 percent agreed. That same year, when people were asked, "Do you believe the average Senator will act to do the morally right thing?," only 2 percent said yes. Recall that public representatives—from the Senate to the Founders—were initially viewed as gentlemen of the highest prestige, the nation's wisest men.

The last decade has witnessed an epic drop in trust toward government. For instance, a 1994 California poll reported that two-thirds of respondents thought it common for representatives to take bribes, 75 percent thought "the state was run by a few business interests rather than for the benefit of all people," 50 percent thought that "the government pretty much ignores citizens and pays little attention to what they think," and 89 percent thought that officials pay more attention to campaign contributors than constituents.

A 1998 poll by The Pew Research Center for the People and the Press revealed that when respondents were asked to say in their own words why they did not like government, more

than 40 percent of those with an unfavorable opinion offered complaints about political leaders or the political system. More than 40 percent said:

- Politicians are dishonest/crooks;
- Only out for themselves/for own personal gain;
- Representatives say one thing and do another; and
- Too partisan.

Television has unfortunately played an active role in intensifying this distrust of government. A May 1999 study of prime-time television[1] over the past 20 years revealed:

- The image of elected officials on prime time TV is worse than any other occupational group portrayed.

- Since 1975, three-fourths of all TV episodes involving the U.S. political system showed officials to be corrupt.

- Public officials on TV commit crimes twice as often as characters in other occupations.

- Not one episode on prime time TV in the 1990s shows government serving the "public interest."

- Some 55 percent of viewers—and 66 percent of young Americans—believe that prime time accurately depicts government officials and public servants.

And a 2000 poll revealed that 75 percent of all Americans still cite television, broadly defined, as their main source of political campaign news.

In 1996, a Washington Post poll contributed an important insight toward understanding American's distrust in government. It found that public cynicism toward government was directly correlated with ignorance about government. The less one knew about government, the more distrustful one was. Ignorance had, quite literally, bred contempt. Television is directly implicated in encouraging the movement from representative to direct democracy.

Signs of Emerging Direct Democracy

Does the public lack confidence in its current leaders, or in representative government itself? Several factors suggest the latter:

- **Growth of Ballot Initiatives.** The ballot initiative is a classic form of "direct democracy." The ballot initiative process allows citizens to draft proposed laws, circulate petitions for qualifying signatures, place those proposed laws on the ballot and enact them directly by majority vote. Ballot initiatives circumvent the opinions

[1] "Images of Government in TV Entertainment," Center for Media and Pubic Affairs, May 4, 1999.

and actions of elected representatives altogether. They quite literally allow the people to "take the law into their own hands."

Since 1900, twenty-four states and the District of Columbia have adopted the ballot initiative process. Four additional states—New Jersey, Pennsylvania, Rhode Island and Texas—currently are considering it.

The number of initiatives reaching the ballot has increased dramatically in recent years. Between 1900 and 1980, for example, the average number of initiatives qualifying for the ballot in all the states combined remained roughly constant. In the 1980s, however, initiatives reaching the ballot *jumped 400 percent*.

California, a leader in ballot initiatives, reveals similarly stark trends. California initiatives reaching the ballot increased 600 percent in the last 30 years. Since 1978—and, in every instance, over the opposition of elected representatives—California voters have used ballot initiatives to:

* Reduce property taxes
* Impose capital punishment
* Restrict gift and inheritance taxes
* Recommend a nuclear freeze
* Adopt a state lottery
* Limit tort damages
* Regulate toxic materials
* Restrict automobile insurance costs
* Raise tobacco taxes
* Support rapid transit
* Adopt campaign finance reform
* Impose term limits
* Abolish affirmative action
* Restrict immigration
* Partially decriminalize marijuana
* Adopt three-strikes sentencing
* End bilingual education
* Permit gaming on Indian reservations

Californians often spend more money persuading the electorate to vote on ballot initiatives than they spend persuading all of state government to vote on legislation. Clearly, in California legislative power has shifted to a new branch of government—the electorate. Other states are moving rapidly to catch up.

- **Growth of Campaign Contributions.** Campaign contributions also are a form of "direct democracy," particularly when they are given between elections to influence pending legislation. Campaign contributions reflect a desire on the part of the contributor to affect specific legislation without waiting to cast a ballot in the next

election. Instead of just voting for candidates, the contributor casts a check-book ballot for or against particular legislation.

In California, for example, campaign spending in general has jumped 5,000 percent in the past 40 years—or 250 percent every two-year election cycle. Comparable patterns are emerging at the national level as well. Presidential candidate George W. Bush, Jr., raised more than $78 million as of March 2000 – thereby encouraging him to reject public financing and expenditure ceilings, and possibly encouraging other candidates similarly to reject existing spending restraints.

- **Growth of Public Opinion Polling.** Elected officials today increasingly rely on public opinion polls to shape their votes, thereby giving citizens a new source of "indirect" control over policy and legislation. Polling has jumped 1,500 percent in the last 15 years. Increasingly, political "leaders" have become public opinion "followers," waiting for the "overnight polls" before they take a position.

- **Growth of Term Limits.** The term limits movement is widespread on the state level, and many citizens are actively working to bring it to federal government. Term limits are an indirect attack on representative government. Despite an elected representative's accumulation of expertise and experience, voters are saying that they will inevitably become "corrupted" by the governmental process. Voters must therefore remove them and replace them with new representatives. Interestingly, the term limits movement itself has depended significantly on the existence of ballot initiatives at the state level. And term limits proponents are in the forefront of demanding that other states adopt ballot initiative procedures—so that term limits can gain foothold nationwide.

- **Growth of Dis-Intermediation.** "Dis-intermediation," or the elimination of intermediaries, is occurring at an accelerating pace: Online shopping is replacing department stores and catalogue shopping; financial websites are replacing bank tellers; online trading is replacing stock brokers.

  Dis-intermediation also is affecting our political system. Formerly, political parties would select candidates for office, raise their money, design their platforms, conduct their campaigns, get out the vote and distribute patronage. Today, candidates bypass the political parties altogether and takecharge of such activities themselves. In the process, the parties have become less relevantt—even obsolete—and now simply offer "voting cues" to the electorate, allowing them to group candidates under broad generic political banners.

  Of course, elected representatives also are "middlemen," intermediaries between the public and political power. Trend lines indicate that the public, in its frustration with the current political process, is seeking ways to circumvent or "disintermediate" elected representatives as well. The public is looking for ways to exercise political power directly. The Internet now offers that possibility.

Direct Democracy in Three Easy Steps
(Or, Taking the Law into Our Own Hands)

These two trends—the explosive growth of interactive digital communications and citizen frustration with the lack of interactive government—are beginning to reinforce each other. The new, nationwide, high-speed system of interactive digital communication—the Internet—will enable citizens to move their political activities online. The technology already exists for citizens to easily circulate, qualify and vote for ballot initiatives online, without any intermediation by elected representatives. Whether we will choose to use this technological potential, of course, is a question that still remains open. But in an environment where citizens are moving virtually all of their other activities to the Internet, it is logical to conclude that voting and political participation will move online as well. Recent surveys suggest that the public is certainly anticipating—and supportive of—such a move:

- A recent survey reported that almost a third of American households (32 percent) would be "much more likely" to vote in a local, state of federal election if they could do it over the Internet, with the 18-to-24 year-old, 25-to-34 year-old and 35-to-44 year-old demographics feeling the most strongly that this was the case (40 percent, 47 percent and 41 percent respectively).

- The same survey revealed that more than 14 million American households have used the Internet to communicate with a government official by e-mail in the past 12 months. One out of every 14 American households—or 8.4 million households—has signed an Internet petition asking the government to make a change.

- More and more citizens are turning to the Internet for news about the presidential election, especially as television abdicates coverage of the story. The Pew Research Center for the People and the Press found nearly a quarter of Americans are now getting at least some of their campaign news through the Internet.

- A January 2000 poll revealed that a majority of people surveyed (51 percent) felt online voting would be an effective way to make local government work better. The majority of respondents said that the ability to do business with government over the Internet (61 percent) would be an effective reform in local government.

An Emerging "Hybrid" of Representative and Direct Democracy

Voters in the United States could in theory exercise the power of "electronic direct democracy" on many levels: city, county, state and federal. If pure direct democracy were in place, however, voters would have before them thousands of legislative decisions a year—an overwhelming burden! It is unlikely, therefore, that pure forms of direct democracy will ever be used by voters to decide *every* legislative question currently pending before local, state and

federal legislatures. If California is any model, for instance, its is more likely that voters will vote directly on major public policy questions, leaving representatives and legislative bodies to act on smaller decisions or questions of implementation.

This pattern suggests that the democratic process of the future will consist of interactive, electronic dialogues between elected representatives and participating citizens. Voters might initiate, circulate and vote on electronic ballot initiatives addressing the "hot ticket" issues of the day. Legislators and legislative bodies will respond with modifications, corrections and follow-up actions.

Getting There in Three Easy Steps

How will all this happen? No state has yet formally adopted electronic voting; about half the states do not have the ballot initiative process; and existing legislative bodies are unlikely to create alternative direct democracy voting mechanisms that will subvert their own power. Isn't it, therefore, possible simply to "say no"—to refuse to implement "electronic direct democracy?"

One of the first experiments with Internet voting was tested in Arizona this March, effectively tripling from 12,000 to 35,000 the votes cast in the 1996 Democratic presidential primary election. As evidenced by Arizona and the interest of several other states, popular support for electronic voting and forms of electronic participation is growing. In states where the initiative process already exists, electronic direct democracy could quickly emerge—for example, in the following three easy steps.

- **Step 1: Electronic Circulation and Qualification of Ballot Initiatives.** Proponents of such a measure could easily draft a ballot initiative today, for example, which, if adopted, would permit the *circulation and qualification* of future ballot initiatives electronically online. Such an initiative, traditionally drafted and circulated on paper, would simply state that the Secretary of State is directed to develop regulations by which voters could securely qualify ballot initiatives online.

  If the proponents of such a measure obtain the necessary signatures to qualify it, it would appear on a state ballot—perhaps as early as 2002. In light of the growing number of online users, as well as their higher propensity to vote, the chance that voters will ultimately adopt such a measure can only increase over time, and at some point will become irresistible. Already, almost half of Internet users visit government Web sites, according to a new study.

- **Step 2: Electronic Voting on Ballot Initiatives.** Once an online ballot initiative qualification system is adopted, a second ballot initiative, using this new "e-ballot initiative procedure," could be drafted and circulated online. If qualified, this new measure would direct the Secretary of State to develop a secure method for *voting* on ballot measures (and candidates) via the Internet by the year 2004.

- **Step 3: Accelerated Electronic Voting Shortly After Qualification.** Assuming that citizens can now both qualify and vote upon ballot initiatives electronically, a third e-ballot initiative could then be circulated and qualified. This third initiative might simply propose the following: Since the problems facing the electorate are pressing, and since elected representatives are unresponsive, the Secretary of State is directed to adopt regulations which would allow citizens to vote on electronically qualified ballot initiatives within, say, *30 days of qualification*. Once citizens have the power electronically to qualify and vote measures into law, why would they delay exercising that power until a distant-seeming election? Why not act immediately?

Electronic direct democracy could thus be created – quickly, efficiently and under existing laws -- in three easy steps.

California's Secretary of State has already proposed electronic qualification of ballot initiatives. The *San Diego Union* (June 28, 1999) recently reported:

> *Members of the task force on electronic voting convened by [California] Secretary of State Bill Jones -- drawn from business, academia and government -- are optimistic about delivering a report to the Legislature this fall that will outline how California can move toward digital democracy.*
>
> *"I think you could have trials as early as next year," David Jefferson of Compaq Computers, chairman of the task force's subcommittee on technology, told the meeting last week.*
>
> *Just as the Internet has shaken up commerce and home entertainment, often taking the uninformed by surprise, members of the task force expect the revolution to move on to government almost as if driven by a kind of technological imperative: Because it can happen, it will happen.*
>
> *"I think Internet voting is inevitable," said Linda Valenty, a political scientist at San Jose State University."*

Creating New Electronic Checks and Balances

The Founding Fathers were profoundly concerned over the power of the "mob"—an ignorant, impulsive and angry group of citizens—to force ill-conceived measures on the nation. To forestall such actions, they created a complicated system of "checks and balances" designed to slow democracy down, to create the time for deliberation and reflection. How can their highly desirable objectives be engrafted onto a process of "instant" electronic democracy? How can the impulsiveness of the "electronic mob" be dissipated in the new online environment? What electronic "checks and balances" can be put in place in the next century to preserve our democratic traditions?

Consider the following ideas:

- Signatures supporting electronically circulated ballot measures should only be valid if the voter signs the proposed measure twice—the two signatures being separated by at least a week (an electronic "cooling off period").

- Citizens wishing to sign an electronically circulated ballot initiative must first review the "pros and cons" of the measure and consult a list of proponents and opponents. These pages would appear before signers could reach a signature page.

- Citizens wishing to sign an electronically circulated ballot measure must first answer an online questionnaire, requiring the signer to "educate" him or herself about the issues first.

- An online path would be created linking the online initiative to the Secretary of State's own Web page. This would require the online voter to be directed to a listing of all initiatives in circulation prior to reaching the initiative signature page. Each initiative would have a summary, a list of supporters and opponents, and a list of pros and cons. To qualify, initiatives must receive more supporting signatures than opposing signatures, and the total number of both pro and con signatures would have to total at least 250,000 or some number of actual registered voters.

- Ballot measures that are voted upon electronically must receive a higher vote percentage (e.g., 60 percent) of the electorate to become effective; or they must be approved twice in two successive elections; or they will "sunset" automatically in 10 years and can continue only if they are again approved by the electorate.

Determining whether such "electronic checks and balances," and others like them, would preserve the values of deliberation in an era of instant electronic democracy would require much deliberation. But our nation needs to begin this process. We need to anticipate the inevitable emergence of new forms of electronic direct democracy. We cannot complacently assume that they will never emerge, or that our elected representatives will never allow them, or that we can block them if we wish.

Conclusion

Over the past 200 years, this country has invented a new form of governance -- a remarkable departure from the monarchies and dictatorships of the past. This new system of government enabled citizens to control their own destinies through the intermediaries of elected representatives. The success of this new form of representative democracy depended, in turn, upon fairness, equality and trust: fairness of the legislative process, the equality of the electoral process, and trust in both.

Today the public increasingly distrusts representative government. In the next two decades, we will all have a chance to become Founding Fathers again. We will have the

opportunity—perhaps the obligation—to create new hybrid forms of participatory democracy, to chart a new course between the "impulsiveness of the mob" and the "elitism of unresponsive representatives."

How and when this new hybrid will emerge, and what "checks and balances" we will create, is not yet known.

What is known is that the debate will occur. And that it will be conducted electronically.

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* Tracy Westen is Chairman of Grassroots.com (www.grassroots.com), the Internet's premiere political action site. Westen was founder and first President of the Center for Governmental Studies, a Los Angeles-based organization which researches, develops and helps implement innovative solutions to improve the processes of governance, and the Democracy Network (www.dnet.org), a new Internet system of political information and candidate debate. Westen also teaches communications law at the USC Annenberg School for Communication.

Tracy Westen is Chairman of Grassroots.com (www.grassroots.com), a premier Internet political action destination. He is the creator of the Democracy Network on Grassroots.com, founder and former President of the Center for Governmental Studies in Los Angeles, and Adj. Professor at the USC Annenberg School of Communication in Los Angeles.