



The Future of Self Government: Will it Enter the Technology Age?

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Over the next several months my column will address the issues that will be appearing on future ballots - like animal protection, tort reform, drug policy reform, etc. However, before we discuss the issues that are slowly making their way to the 2001 and 2002 ballots, I thought we would take a quick look at the current state of the initiative and referendum process and what its future holds.

Almost every consultant who has been involved with an initiative campaign will tell you that it is not easy to place an initiative on the ballot. They know this difficulty arises solely from the tremendous regulations and hurdles a state places on using the process - which is why there is so much money in the initiative process - money can overcome almost any obstacle. Those with money or access to money are becoming the only ones with the capability of placing an initiative on the ballot. Now this might be okay with consultants because the more money spent the more money they make, but to the proponents of the initiatives it is not a good thing.

So what is the answer? Quite simply - technology.

The best and easiest way to restore the initiative process to its original intent of being the tool reserved to the average citizen to affect change is to begin utilizing the technology of the 21st century. Numerous companies from all over the world have approached me to tell me about the wonderful technology they have created that would allow citizens the ability to sign initiative petitions online. This would dramatically reduce the cost of placing an initiative on the ballot and open it up to the people. It would also reduce the cost in verifying petition signatures as well as increase the accuracy of the counts. In Los Angeles County last year the county spent \$500,000 in overtime alone verifying the signatures of one countywide initiative. Electronic signature gathering that is tied to the county's voter registration roles would eliminate a tremendous amount of the work and cost associated with verifying initiatives for the ballot. It would also increase accuracy by taking out the human factor that is arguably less precise than the accuracy of modern day computers. Don't get me wrong, signature collection on-line is not a panacea and several issues would need to be worked out before it becomes a reality, but there is no doubt that it would greatly enhance the citizen's ability to use the initiative process.

However, don't rush to your computer and start signing petitions on line - there are changes that need to occur first. First we must realize that Internet

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signature gathering was not automatically created and legalized because of President Clinton's approval of the e- signature law. This is simply not true. That law just made a digital signature as legally binding as a written signature - but that law was not enough.

In order for the states to allow signature gathering online, numerous state laws associated with the initiative process must be changed. Laws like circulator requirements, distribution requirements, signature certification requirements, etc. This sounds like an easy problem to solve - state legislators just need to pass these changes. Unfortunately it is not that simple. State legislators are not too fond of the initiative process and have done little to make it more accessible to the people. Instead they have passed considerable legislation that makes the process more difficult and more costly - not only more costly to the people but to the government as well.

Someone made the comment to me the other day that they believed that signature collection online would happen before Internet voting - I had to disagree with this statement. This may seem at odds with conventional wisdom since one could argue, as we discussed above, that petition gathering online could save the states millions of dollars in labor costs alone. But lawmakers hate the process and believe its continued use will dilute their power and authority - which to some degree is true. They don't see the same threat from Internet voting. So simply put, until state legislators stop being afraid of the people and their use of the initiative process, the initiative and referendum process will not be able to enter the technology age.