

The Fourth Branch of Government
An Analysis of the Initiative and Referendum Process and
How the Internet Might Improve It

Senior Paper
Law, Letters & Society
May 2000

Jan A. Schevitz

To My Parents

Bea Altman Schevitz

Jeffrey M. Schevitz

*Who inspired my idealism to care about and improve the world,
which surrounds me.*

and my Grandmother

Ruth Altman

Who has supported me throughout my four years in college.

Table of Contents:

INTRODUCTION	4
DEFINITION OF INITIATIVE AND REFERENDUM	6
DEMOCRATIC THEORY AND DIRECT DEMOCRACY	7
THEORETICAL ARGUMENTS FOR INITIATIVES AND REFERENDA	12
EMPIRICAL EVALUATION	19
VOTER COMPETENCE	19
VOTER TURNOUT, AWARENESS AND PARTICIPATION	24
THE INFLUENCE OF PRIVATE INTEREST GROUPS	28
CONCLUSION	34
INITIATIVES AND REFERENDA AND THE INTERNET ..	36
VOTER TURNOUT	36
VOTER COMPETENCE	39
CITIZEN GROUPS & PRIVATE INTEREST GROUPS	42
INTERNET ACCESS	46
SECURITY ON THE NET	48
CONCLUSION	50
CONCLUSION	52
REFERENCES	54

Introduction

Give all power to the many, they will oppress the few. Give all power to the few, they will oppress the many. Both therefore ought to have power.

- Alexander Hamilton 1787

America's representative system of democracy is politically stable and the heart of one of the world's most powerful nation states. It has persisted throughout two hundred and fifty years of history, including a civil war, the industrial revolution, and other major social, economic and cultural changes, (Barber:3,1984). At the same time, however, the structure of America's political system is resistant to change and suffers under a democratic deficiency. (Barber 1984; Southwell 1986, Dionne 1991; Chen 1992). Democracy by definition means government by popular rule, implying that the populace is the primary source of power, (Webster: 301, 1995). In the United States, however, it is not the populace, which makes up the primary source of power, but rather a political and economic elite, which generally excludes the lower socioeconomic classes from the political decision-making process and predominantly represents the interests of the middle and upper classes of society, (Hellinger and Judd, 1994). The reasons for this discrepancy in political power are many-fold. Yet, the main cause is to be found in the structure of America's political system. Institutions such as the electoral tradition of "winner-take all"¹, private financing of political campaigns and the system of checks and balances all prevent new political actors and ideas from entering the political stage. Consequentially, traditional elites appear to effectively control the country's political decision-making process.

Initiative and Referenda² offer a unique addition to representative government that help the system overcome the democratic deficit that is inherent to its structure. While a pure representative democracy isolates the majority of citizens from the political

¹ "Winner takes all" describes the system by which the majority winner receives all political power in place of having to share it as in a system of proportional representation.

² Throughout the paper, Initiative and Referenda will be referred to by the abbreviation I&R.

decision-making process, I&R offer a means for including the citizenry in this process. Currently twenty-three out of America's fifty states offer citizens some form of direct democracy device; and while far from perfect, these devices have allowed citizens in these states to address and pass legislation on issues often ignored by the traditional political decision-making process.

While I&R promise to provide citizens with direct means for affecting political change, these direct democracy devices are unable to fully live up to their promises. Although, I&R succeed at increasing the responsiveness of legislatures and the political awareness among citizens, I&R are unable to substantially increase voter turnout and moreover suffer under a deficiency in voter competence, an increasing capacity on part of private interest groups to manipulate the outcome of ballot elections.

With the advent of the Internet, however, new opportunities for fulfilling these promises have arisen. Even though the Internet cannot resolve all of the shortcomings of I&R, its multifaceted capabilities to enhance political debate and organization, offer the individual access to a new abundance of informational resources and lastly to substantially increase the efficiency of the procedures of political participation, possess the capacity to substantially improve the current I&R process. In sum, this paper argues that I&R provide a valuable addition to the current political process and that the Internet possesses the capacity to introduce substantial improvements to the I&R process

The purpose of this paper is to evaluate these opportunities. In order to achieve this goal, the paper is divided into four parts. The first section embeds the discussion surrounding I&R into the framework of democratic theory. The second part outlines the theoretical arguments for I&R with the purpose of providing a reference point for the evaluation of its current workings, which is accomplished in the third section. Lastly, the fourth part draws on the conclusions from the first three sections to develop hypothesis on how the Internet might be able to improve the current I&R system.

Definition of Initiative and Referendum

The terms initiative and referendum both describe a process through which a proposed public measure, statute or law is ratified by a direct popular vote. In practice, this means that in a referendum citizens are provided with the opportunity to vote on whether a proposed measure should become law. The difference between an initiative and a referendum lies in the fact that the *referendum* refers a proposed or existing law of legislature to voters for their approval or rejection, while the *initiative* allows citizens to propose a legislative measure or a constitutional amendment by filing a petition bearing a required number of valid signatures, (Cronin: 2, 1989).

Democratic Theory and Direct Democracy

At the heart of democracy theory lies the notion that the individual possesses a political will over which s/he has a right to self-determination. Yet, ideas on how this right ought to be exercised differ. Democracy does not represent a universal theory but carries different meanings for different people at different times. To Bentham and the American Founding Fathers, for instance, the term democracy referred to forms of direct democracy, while with the rise of the nation state, democracy came to imply representative democracy. (Setälä: 1999, 43,62). Accordingly, ideas on how the right to self-determination over one's political will ought to be exercised differ. While liberal democratic theories advocate the idea decision-making powers on to representatives, participatory theories advocate that citizens vote directly on political issues. These differences arise from the fact that the two theories rest upon divergent premises. To understand how these different notions of democracy believe that the self-determination of political will is to be reached, we must tackle three questions: what is the purpose of democracy, what does the notion of democracy embody, and how is this purpose to be achieved.

Before summarizing the competing notions of democracy, we ought to first establish what the purpose of democratic decision-making processes are. Schumpeter writes that "democracy is a political method, that is to say, a certain type of institutional arrangement for arriving at political – legislative or administrative – decisions" (Schumpeter: 1943/1992,242). For him, democracy is not an institution but a method by which decisions are made. Combined with Setälä's notion that democracy is concerned with making decision on issues of moral uncertainty, democracy is to be understood as a method by which issues of moral uncertainty can be resolved. Hence, the question becomes not what values democracy upholds but rather how democracy resolves the dilemma of competing interests, or for those who believe in the notion of the "general will" (Rousseau:1763), how to determine the general will. The debate on direct

democracy must therefore be understood in terms of a discussion about a method for resolving the conflict between competing interests or discerning the common good.

A common basis to all democratic theories is the idea that “there should be a certain correspondence between individual preferences and collective decisions” (Condorcet 1785, Arrow 1951, Riker 1982). The notion here is that the purpose of a democratic systems is to allow the people to govern themselves in a way that insures that collective decisions fit the will of as many individuals as possible. The theories on how this is to be achieved, however, differ. The two currently dominating theories of democracy are, the liberal theory and the participatory theory. Liberal Democratic theory, also termed protective democracy or liberalism focuses on the maximization of individual liberty and welfare. (Mill:1975). This is achieved by creating protections for the individual from both other individuals as well as the government. Man, in the state of nature is to be seen as free. Hence, the goal of government is to maintain as much of this natural freedom as possible. To insure that the government does not infringe upon the individual’s rights, liberal democratic theory places much importance on accountability of representatives, civil rights and divisions of power, meaning the system of checks and balances.

The alternative to the liberal theory, participatory democracy focuses not so much on the rights of the individual but on the deliberative and participatory aspects of democracy. In the participatory theory of democracy, participation in the democratic process is seen as a value in itself. (Setälä: 1999, 6). Phrased in terms of positive liberty, the participatory theory declares political participation to be a condition for individual self-fulfillment and growth, (Berlin: 1969, Dahl: 1985).

Initiatives and referendums fall into the tradition of participatory democracy. Developed to combat certain characteristics of representative democracy, I&R are to be understood as a reaction to liberal democratic theory. Barber, as a strong critic of the representative system and advocate of the participatory model, raises three main points of criticism about liberal democratic theory. First, he sees justification for state activity arising from a hypothetical social contract which basis civil society on the fear of sanction. (1984, 83/84) Membership in civil society is therefore not an act of choice but simply an act of rendering oneself to the coercive force of the state. Along the same lines,

Barber states that according to liberal theory, “men are made to obey but not to change or grow” (1984, 83/84). Obedience to the system is all that counts, not active support through participation. Furthermore, Barber criticizes liberal theory for its focus on individualism. Rather than seeing humans as social creatures, liberal theories regard humans as unrelated individual beings that are separate from each other, (1984, 32). Direct democracy, in contrast, regards human beings as social creatures, which find their fulfillment in political participation.

Related to this controversy of individualism versus communalism, is the question: upon what premises should communal decision be based on? Should the decision be based on the notion of the general will, also referred to as the common good or should it be based on the preference aggregation and plurality model. The conflicting theories here are one, the notion that there is a common good, which exists independent of majority preference, and two that there exists no independent common good and that the will of the people, determined through majority preference, represents the “common good”. Clearly, initiatives and referenda fall into the preference aggregation and plurality model. The entire idea behind I&R is that there exists no objective common good, which can be determined by enlightened representatives but that the “common good” embodies an aggregation of personal preferences, which can only be determined via a popular vote on separate issues. As Barber states, strong democracy (Barber’s notion of a healthy democracy) in the participatory mode resolves conflict in the absence of an independent ground through a participatory process of ongoing, proximate self-legislation. (1984, 151).

Having discussed the tension between liberal theory versus participatory theory as well as the premise upon which democratic decisions are made, we must now look at the theory of representation and how it conflicts with the participatory theory. “ The idea of political representation may be found in social contract theories, in which the governmental power was justified in term of the delegation of powers by the subordinates....and where representatives are the link between ‘the will of the people’ and ‘the will of the state’. (Setälä:1999, 43) According to this theory, the individual citizen renders his/her

governmental power to a representative who then votes on legislation according to the will of the majority or the common good. To insure that the representative actually follows the will of the people, representative democracy developed the practice of electoral accountability that holds representatives responsible for their actions during elections.

The problem of the representative system, however, is that misrepresentation is an inherent characteristic of representation. As the Ostrogorski Paradox, examined by Bezenbinder and van Acker (1985), suggests, misrepresentation follows from the inherent logic of representative democracy...which prescribes voters not to choose between separate issue positions but 'bundles' of issue positions. (Setälä:1999 16). The fact that representatives are not elected to vote in a particular way on specific issues creates a situation where the representative, representing not only one voter but an entire constituency with differing preferences, inherently cannot accurately represent the will of each voter. This inherent problem is what led Rousseau to declare that "as soon as they (citizens) are represented they lose their freedom. (Rousseau:1763/1976, 39). For Rousseau, the individual in the representative system finds him/herself in chains at all times, except for the moment that the voter casts his/her ballot. Barber agrees with this view, finding that representation is incompatible with democracy because it delegates and thus alienates political will at the cost of genuine self-government and autonomy. (1984: Barber, 145). The consequence is that citizens find themselves subject to laws that they had no influence over shaping. Yet that is not all. Besides being subject to laws they did not make, the representative principle steals from individuals the ultimate responsibility for their values, beliefs and actions (Barber:1984,145). The representative system alienates the voter to such a degree that the individual loses control over his/her political will as well as the political responsibility that comes with being a member of a political community.

In contrast to the representative system, the goal and purpose of direct democracy is to allow the individual citizens to execute his/her political will. The initiative and referendum achieve this through two basic propositions: 1. all political decisions should be as legitimate as possible, and 2. the highest degree of legitimacy is achieved through

decisions made via a direct and unmediated vote by the people. (Butler: 1978, 24). The idea here is that decisions made via a direct vote offer the voter control over his/her political will and further that the direct vote carries a higher level of legitimacy than the decision made by representatives.

While it is clear that direct democracy cannot guarantee every citizen's political will to be realized, "the referendum may be seen as an instrument which gives a more accurate picture of the will of the majority without the distortions caused by representation (Cronin:1989, 46). Rather than having to pass through the intermediary representative, direct democracy "has fewer mechanisms to count intensities of preference", thereby making it easier to accurately establish the majority's will. (Butler:1978) The assumption here of course is that decisions made by direct vote more accurately reflect the will of the majority than decision made by representatives, and that it is the will of the majority that should rule, and not some abstract idea of the "common good" determined by means other than the expression of majority preference.

Butler observes that "the arguments both for and against referendums share at least one important characteristic: like all political arguments, they are compounds of preferences for certain values. (1978, Butler, 37) While liberal democratic theory values the individual and his/her freedom highest, participatory theory sees humans as social creatures for whom it is most important to be able to execute their political will. Moreover, participatory democracy upholds the notion that the will of the majority embodies the common good and that participation, not representation characterizes democracy. Based on these assumptions, it must be understood that direct democracy devices implicitly uphold political participation and the aggregate preference model for reaching political decisions. How specifically I&R promise to bring about a situation where these values are realized, is the topic of the following section.

Theoretical Arguments for Initiatives and Referenda

The purpose of this section is to lay out the theoretical arguments for initiatives and referendums. The claimed benefits of I&R do not necessarily imply that I&R actually achieve these aspirations but they are to be regarded as a reference point for the critic and reformer of the current system in practice. Moreover, the arguments below should be considered in reaction to the current representative system where citizens find themselves with little control over their political will. As it is the representative system's ideal for public officials to perfectly reflect the will of their constituents, it is the ideal of direct democracy to return all political power to the people, and while unrealistic, these ideals must be understood and upheld for their aspirational value.

Direct Expression of Will: Currently, citizens in states without I&R have little opportunity to express their political will. Once in a while, they are allowed to elect representatives who are supposed to “represent” their interests in legislative, executive and judicial bodies. Citizens do not, however, have the opportunity to directly express their political will. Once the citizen transfers “jurisdiction” over his/her political will on to his/her representative, the individual's political will is counted as congruent with that of the representative. Yet, in reality, the citizen's political will often differs from that of his/her representative. While the citizen might agree with his/her representative's general political outlook, it is highly unlikely that the individual citizen will share the same opinion with his/her representative on every political issue. Consequently, the individual citizen will find his/her political will misrepresented without having an opportunity to communicate his/her true political will.

In contrast, I&R provide the individual citizen with the opportunity to directly express his/her issue-specific political will. Giving citizens the ability to vote on an issue-by-issue basis, I&R allow citizens to vote according to their own policy preference and not according to the representative's preferences. If a citizen is in favor of or opposition

to a particular policy, s/he is able to vote accordingly. While the results on a policy vote by representatives might differ from that of his/her constituency, the direct expression of the political will via I&R guarantees that the election results on a particular ballot issue reflect the true will of the voters.

Allows Citizens to Set Political Agenda: America's political agenda is set by political and economic elite who are far removed from the general citizenry. While representatives must be somewhat responsive to the concerns of their constituents, the barriers to getting a concern placed on the political agenda are high. Under the representative system, citizens only possess limited means for affecting change and consequently many concerns are left not addressed. Initiatives, however, provide citizens with the opportunity to set the political agenda of their community and state. The ability to place a policy issue on the election ballot and thereby get a law passed allows citizens to greatly influence the political agenda of their community. With the initiative process, state, local and national political agendas are shaped by the people. It gives them a role alongside the news media, politicians, and judges who otherwise control policy innovation," (Schmidt, 1989: 30). Rather than being fully dependent on representatives to raise issues of concern, I&R allow citizens to raise any issue, "however novel or divisive or offensive to those in power to be put on the law-making agenda by concerned citizens and brought to decision. In this way, all the issues that concern the people are faced," (Butler:1978, 30). The high barriers that face citizens when they seek to place an issue on local or state agendas are substantially reduced through I&R, thereby giving citizens a means for addressing issues that are of concern to them but are evaded by their elected officials.

Greater Civic Political Participation: Today, America's political landscape is characterized by apathy. Political activism is low and only thirty to fifty percent of the voting age population actually votes in elections. (Barber:1984, Xiii) Participation in the political process is not regarded as particularly important, nor is representative democracy regarded as providing the institutions that would allow ordinary citizens to influence government policies. (Barber:1984, 9)

In contrast, direct democracy provides institutions that allow citizens to affect change. By allowing citizens to place specific policy issues on election ballots and vote on them, I&R hope to provide motivational incentives that will bring about an increase in voter turnout, political participation and deliberation. The basis for this hope stems from the fact that “initiative campaigns, much more than candidate campaigns, produce tangible results proving that their involvement does matter, “(Schmidt:1989, 27). While participation in candidate and lobbying campaigns rarely affects how government will act on a specific policy issue, having the opportunity to place an issue on the election ballot and get it passed, gives citizens the opportunity to affect government policies. Hence, “people will participate in their government because they believe in it, and they believe in it because they participate in and control it,” (Butler:1978, 32). Only if citizens are empowered through participatory institutions and the ability to vote on specific policy issues that can actually bring about change, will they feel empowered enough to take part in the political process. Especially for grass groups and groups that have traditionally resorted to violence for making their cause heard, I&R offer a non-violent means for affecting change.

A related problem to that of low voter turnout and lack of political participation is the lack of political debate, (Barber:1984, Xiii). I&R promise to increase the level of public debate and the voter’s awareness of substantive issues. As I&R require that every citizen take a stand on the issue to be voted on, I&R make it necessary for voters to clarify their positions through political debate, thereby automatically raising the level of political discourse. As Butler points out, “the people know that their votes will make and break laws and in sheer self-interest they will inform themselves on the issue, defend their positions against those who feel otherwise and seek to persuade others to vote with them,” (1978, 33). Through I&R, political debate can be transformed from an inconsequential hobby to an activity that affects the outcome of election results. The individual voter’s opinion no longer has no effect on the laws that govern society but every person’s vote comes to count, making the exchange of political arguments a purposeful activity.

Accountability of Representatives: In states without I&R an on the national level, there exist nearly no sanctions against representatives who fail to represent the will of their constituents. While voters may decide to not reelect an incumbent representative after his/her term has passed, they have little to no influence over how their representative will vote on issues during their term. The consequence is that representatives routinely misrepresent the interests of their constituency without being checked for it.

I&R offer a means for holding representatives accountable during their term. By offering citizens an alternative means for raising issues and passing laws, I&R expose representative to a competing lawmaking procedure that can enact laws on issues that are being ignored by them. As Schmidt observes, “use of the initiative has put elected representatives on notice that they must be responsive, or they will be overruled by the electorate, (1989, 26). Hence, if representatives fail to address issues that are of concern to the people, the ability to pass laws independent of legislature offers an opportunity to expose those representatives who are failing to actually represent their constituents.

The predicted effect of this threat is that representatives will become more responsive to the will of their constituents, and that thereby the laws passed by legislature will be closer in accordance with the will of the majority. As Gerber notes, “the existence of a provision for a popular initiative based on referendum makes it more probable that the laws will reflect the median voter preference, because the legislators may want to anticipate the behavior of the potential initiative proposers and draft laws to preempt their initiatives (1996, 101/2). Exposed to the danger of being overruled by an initiative as well as the inability to have any influence over the provisions of the law to be passed, I&R provide an incentives to representatives to take their constituents serious and address the issues that concern them.

Reduce Influence of Special Interest Groups: America’s political system is dominated by private interest groups that distort the majority’s will, preventing the citizenry from making its voice heard. Unregulated soft money contributions and exorbitant campaign costs have led to a political system where representatives are literally bought off by private interest groups. Dependent on the contributions from wealthy interest groups, representatives, if not themselves members of a private interest group, are forced to

represent the interests of the economic elite that finances their campaign. Hence, legislators often don't represent the majority interests of their constituents but interests that run counter to them and represent the interests of special interest groups.

I&R provide a remedy to this distortion of the majority's will. Through its feature of having the entire citizenry vote on an issue, I&R avoid the danger of special interests buying off votes. While representatives are dependent on donations for financing election campaigns, voters are not in need of such monies and hence can avoid falling into a relationship of dependency, where they lose the independence to vote according to their own will. As Butler puts forth, "where people rule by direct legislation, . . . , all judgments are made by majorities of ordinary citizens, not by coalitions of lobbyist or party bosses or legislative leaders, " (1978, 32). It is not the special interest groups that "buy" the decisions they desire, but it is the majority's will that rules. "With the initiative, the people retain ultimate authority, thus preventing any monopoly on political power, even when an individual or party controls the legislative, executive and judicial branches of government," (Schmidt:1989, 29). Through decentralizing the decision making process, I&R undermine the power monopolies of economic and political elites, thereby making the political agenda reflect the true will and concerns of the citizenry and not the interests of isolated special interests that currently set the agenda of America's representative democracy.

Brings Decision Making Process to the People: Political decisions are generally made in places far removed from the public. State and national capitals are both geographically as well as psychologically far removed from the lives of most citizens. Government bodies, such as the cabinet and the legislatures' committees meet in private, shutting out the public and leaving only the newspapers to report on decisions that have already been made. (naturally, many meetings of government bodies are also open to the public but considering that they generally meet in places inaccessible to most people these meetings can be considered more or less private.) This alienation of the decision making process from public scrutiny has led to a situation where many legislative decisions fail to reflect the interests of the majority of citizens.

I&R bring the political decision making process out into the public sphere. By asking the citizenry as a whole to take part in the decision-making process, deliberation, and debate are moved from behind closed doors to the public realm. As Butler asserts, “decisions by I&R are always made in the clean open air of true democracy. The signatures on the petitions, the propositions on the ballots, the speeches on the issues, and the results of the votes are all matters of public record, freely available to all,” (Butler: 1978, 31). It’s participatory features automatically transform the political process from its alienated nature to one which incorporates the political process into the lives of the citizenry. Instead of taking place in a far removed place, I&R promise to bring the political decision-making process to the people.

Create a dynamic political system: Related to the critic about the public officials not being responsive enough to the needs of their constituents, is the criticism that the structure of the American political system stifles political change. While the system of checks and balances might prevent unsound legislation from passing, it also hinders the citizenry, even if supported by a majority, to bring about substantial social and political changes. Consequently, the current system disproportionately favors political forces, which oppose change. Institutions such as filibustering and selective committees create hurdles, which allow for reform proposals to be killed by small minority interests, thereby preventing the will of the majority to get its way.

With its 46% passage rate (I&R Institute, 2000), I&R offer an opportunity for opening the American political system up to greater social and political changes. Issues that could easily be muted by minority interest groups in the representative system are given the chance to address their issue in public and get their ballot proposal enacted. In contrast to the checks and balances system, which prescribes that proposals for new laws pass through an entire system of committees, legislative bodies, and the executive’s approval, I&R allow citizens to directly pass a law, making it more likely for reform proposals to pass and thereby creating a more dynamic political system.

The above arguments lay out how I&R provide citizens with the means for directly communicating their political preferences, allow citizens to set their own political agenda, bring about an increase in civic political participation, increase the responsiveness of legislators, bring the political decision making process closer to the people and make the American political system more dynamic. As mentioned, these theoretical arguments are not, however, to imply that direct democracy actually succeeds in bringing about the changes it claims for itself. The arguments are rather to be regarded as idealistic aspirations, which are to be used as a reference point in analyzing the system currently in practice. Every institution generally falls short of its promised mission statement. This does not, however, mean that its ideals ought to be discredited or ignored. The key is to compare the ideal with the actual workings of the institution and to form a differentiated opinion on the workings of it. By analyzing the actual workings of the current I&R system and how it matches up to its claimed aspirations, the following section attempts to accomplish just that.

Empirical Evaluation

The purpose of this section is to provide an empirical analysis of the I&R process, which is to look at whether the benefits, promised to be brought about by I&R have realized themselves in the states where these direct democracy devices have been applied. The questions addressed in this section are whether voters are competent enough to pass their own laws; whether I&R bring about more political participation, awareness and higher turnout in elections; whether they undermine or improve the representative system and lastly what effect private interest groups have on the I&R system. Clearly, these questions do not address all of the issues surrounding I&R. Within the contextual framework of participatory democracy, the above questions, however, can be regarded as the most fundamental. As to the question whether I&R truly bring about the will of the majority, this is an implicit issue that underlies the discussion of each subsection. For every sentence, paragraph and section, the implied question is whether and how I&R actually bring about the majority's will.

In respect to the evidence provided, this section relies on inference from empirical accounts and indicative evaluation. While there are many short journal articles evaluating a variety of issues related to I&R, there exists a great lack in statistical data. This paper, therefore, is not meant to represent a fully developed statistical analysis but rather aims at pointing to important policy issue implications highlighted by past experiences.

Voter Competence

A common issue of concern with I&R is whether citizens are actually knowledgeable enough to vote on specific ballot measures. While many ballot issues might appear to be clear-cut on the surface, a closer analysis reveals that in actuality the issues are often very complex. A proposed tax cut, for example, might seem simple to understand on the

surface, yet when the effects of the tax cut are analyzed, who and what programs are affected can become rather difficult to forecast. If voters are unable to understand issues in their full complexity, the question therefore arises whether citizens ought to even be allowed to vote on separate ballot measures. While I&R critics hold that the general public is not knowledgeable enough to be allowed to pass laws, advocates contend that it is not important that citizens fully understand the details on ballot measures but that they vote in accordance with their policy preference; which statistics prove they do. Advocates further argue that the question of voter competence in I&R must be seen in relation to the representative system where legislators also suffer from confusion. The question of voter competence requires a differentiated evaluation that reaches beyond simply asking whether citizens fully understand the ballot measure they are voting on.

Studies on voter competence, meaning the level of understanding that citizens have of the issues they are voting on, have come to somewhat contradictory conclusions. While studies have reveal that voters often feel confused about the details of ballot measures, these same studies also show that voters generally have a relatively good grasp of the issues at large. In a survey of voters in Arizona, Colorado, Oregon and Washington, Cronin, for instance, had a majority of voters agreeing with the statement that “the initiative and referendum measures on ballot measures on the ballot are usually so complicated that one can’t understand what is going on,” (1989, 74). At the same time, however, a survey of Colorado voters found that 78% of voters felt somewhat to well informed versus only 22% who did not feel informed at all, (1989, 70). Based on these two surveys, it therefore appears that voters, while feeling somewhat informed on the issues they are voting on, simultaneously experience a sense of confusion.

Gerber and Cronin, while acknowledging that a lack of understanding of ballot measures poses a problem to direct democracy devices, reconfigure the question of voter competence into another. For them, the crucial question is not whether voters fully understand the issues they are voting on but rather whether citizens are voting according to their policy preferences. Clearly it is important that voters understand what they are voting on. Yet even more important is that I&R, which are to provide voters with a more direct way for expressing their will, actually reflect that will and that voters are not so

confused that they end up voting counter to their actual preferences. Along these lines, Gerber proposes that “even though initiatives may be complex, and confusing and voters may lack detailed substantive information about measures, they may still be competent to choose between the electoral alternatives,” (1999, 95). Cronin confirms the accuracy of this proposition in a survey in which he finds that despite the confusion experienced by many citizens, 95% nevertheless cast their vote in accordance with their policy preferences, (1989, 75). Based on these findings, it can therefore be concluded that I&R achieve the purpose of giving citizens a direct voice.

Although the above conclusion shows that the confusion experienced by voters does not hinder them from expressing their political preferences, it nevertheless remains important to inquire into what causes this confusion. In assessing what factors contribute to the level of confusion, it appears that there are four: the complexity of the issue to be voted on, the complexity of the ballot language, the difficulty of finding information on the issue, and the amount of time voters have to spend on informing themselves. In respect to the first factor, it must be acknowledged that political issues are often complex and that there is not much that can be done to relieve the I&R process of this problem. Nevertheless, the track record of I&R shows that, I&R are often used to clarify positions on relatively clear cut issues, i.e. women’s suffrage, medicinal use of marijuana and the construction of nuclear power plants.

As for the complexity in ballot language, Hahn finds that “the wording on referenda and initiatives, as well as government pamphlets describing them, is extremely complex,”(1987,144). Ballot measures are written as legislative proposals, and therefore include many provisions and technical details, which are generally incomprehensible to lay men unfamiliar with legal terminology. Whether this actually presents a problem, however, is not so clear because laws always contain complex details and what is most important is that voters understand the issue at large. As for the confusion experienced with the information pamphlets, which are provided by many states to inform citizens of the pro and con arguments to an issue, this must be recognized as an earnest threat to the workings of I&R. Unfortunately, there exist no statistics that measure the extent to which this problem impairs the citizen’s ability to understand and vote accurately on an issue.

Based on Cronin's survey and the findings of other authors, the complexity of the ballot language and information pamphlet presents a problem in the I&R process.

The second factor to affect the level of voter confusion is the accessibility of information on ballot issues. Most states with I&R provide voters with information pamphlets that explain each ballot issue and then provide proponents and opponents a space to argue their case. In those states in which these pamphlets are provided, voters are shown to heavily rely on them. Yet in those states in which these pamphlets are not provided, voters are left to their own devices to find information on ballot measures. This is where the voter's socioeconomic status comes to play a significant role in how well they are informed. While well-educated citizens rely more on reading, giving them a chance to develop a fuller understanding of ballot issues, working class citizens rely on TV-ads, which are often manipulative, (Cronin:1989, 83). Hence, it can be concluded that citizens of lower classes are at a greater disadvantage, being more likely to find themselves confused than better-educated citizens.

As for the time factor, the less "free" time citizens have, the less well informed they will be and the more confused they will feel in respect to the ballot issue. While there do not appear to exist any studies showing to what extent time costs affect how well individual citizens are informed about ballot measures, time clearly presents an important factor affecting voter confusion. Only if information is easily accessible and the time costs are reduced to a minimum will confusion among voters decline.

When addressing the issue of voter competence and to what extent I&R are actually capable of giving citizens a direct voice in the lawmaking process, the issue must be discussed in context to the current representative system. As the above studies show, confusion among voters clearly presents an earnest problem in the I&R process. This problem, however is not unique to I&R but is equally prevalent in representative elections. For example, during the Reagan administration, "only a quarter to a third of voters knew that federal efforts on behalf of the environment, the poor, and the schools declined during this period." Moreover " of the 60-68% of voters who believed that federal aid in these three domestic policy areas should have increased, substantially less than half knew that it had not", (Carpini and Keeter:1996,264). Even though this example

presents an isolated instance, the discrepancy between voter's understanding of the government's policies and the actual policies shows that confusion is not a problem which is unique to I&R. Considering that voting on a ballot measure only requires one to vote on one political issue, while voting for representatives requires one to be familiar with an entire array of issues, one could even make the argument that voting on a ballot measure is in many ways easier than voting for a representative.

Furthermore, it must be asserted that voter's are generally hesitant of supporting ballot measures they feel confused about. Both Gerber and Cronin find that citizens cannot be persuaded to support ballot measures that they did not already support before the outset of a campaign and that when confused will vote to maintain the status quo. This cautionary disposition leads to the conclusion that when citizens do not feel competent enough to make a qualified decision, they will turn down ballot proposals. This disposition insures that ballot measures unfamiliar or confusing to citizens are prevented from passing.

Moreover, one may not forget that representatives too are often overwhelmed by the details of the bills they vote on. A New York Times article reads, "last October, Congress wound up lashing together a 4,000 page omnibus spending bill replete with billions for pet projects. Almost no member of Congress read that bill before it was passed", (New York Times: 09/28/1999) As this quote shows, not only are voters confused or unfamiliar with the details of ballot issues but so are representatives. The sheer volume of laws, in 1996 for example legislatures in the states with I&R adopted 17,000 laws, makes it impossible for representatives to know the details of all the bills they vote on. The fact that representatives also are not familiar with all the provisions of the bills they pass does not remedy the problem of voter confusion in I&R elections. However, it does show that a certain level of confusion is normal and that as long as reasonable, cannot be held against the I&R process. As Cronin holds, "critics of direct democracy have a mythical view of the virtue of legislators when they put down the masses as an ignorant mob", (Cronin:1989, 89).

The issue of voter competence is crucial to the debate on I&R. As the above studies reveal, voters frequently feel confused about the details of ballot issues; this being

especially true among voters of poorly educated background. At the same time, however, other studies show that despite feeling confused nearly all citizens are successful at voting according to their policy preferences. The fear that confusion among voters may lead to the ratification of unsound laws is further prevented from manifesting itself by the electorate's disposition to generally only support ballot measures that they understand. Hence, it can be concluded that while confusion among voters presents a problem to the I&R system, it does not prevent it from achieving its purpose of giving voters a direct voice in the decision making process.

Voter Turnout, Awareness and Participation

Opinions on whether I&R actually increase voter turnout and political awareness and participation differ greatly. While Direct Democracy advocates argue that I&R stimulate civic participation and offer a remedy for the current apathy towards politics, opponents put forth that I&R do not affect the level of civic participation. The answer to the question, however, is not clear-cut. In respect to voter turnout and political participation, I&R appear to cause only a moderate increase. As for political awareness, I&R has a great effect, substantially increasing the level of awareness among voters. While accurate on the whole, these effects ought not be understood as always being the case. They are rather general observations that differ greatly from election to election depending on what state the election is held in, how controversial the ballot issue is, when the election takes place, as well as what socioeconomic group voters belong to.

Statistics comparing voter turnout in states with I&R to states without I&R show that voter turnout in states using direct democracy decision making processes is somewhere between 1.5% and 7.0% higher than in states without these processes (Schmidt:1989, 28). As the broad range in percentage increase shows, the effect, however, is not universal. Three factors seem to affect turnout: timing of the election, level of media coverage as well as the level of controversy over the issue. In regards to timing, I&R appear to have the greatest effect on turnout in midterm year elections when there are no presidential or

gubernatorial elections. As for the intensity of the election campaign, the more intense, the greater the level of turnout. While an issue with little to no media campaign can easily pass the voter by, a campaign that advertises in newspapers and on tv and radio can easily spark interest in an issue. The most crucial factor to affect voter turnout, however, is the issue's level of controversy. For instance, a ballot proposing that the color of stop signs be changed from red to green most likely will not have any effect on the level of interest and turnout whereas a ballot addressing a tax increase will raise interest among voters and consequently increase voter turnout. As Schmidt establishes, "not all direct legislation is equal. I&R vary considerably in their policy content, the magnitude of the change they propose, and the number of citizens passage would actually affect," (1989, 2). The greater the proposed change and the more people are impacted through a potential change in policy, the more interest and voter turnout will be increased by.

As stated above, I&R appear to substantially increase the level of political awareness on issues addressed on the election ballot. Although statistics on how I&R increase the public's level of awareness are missing, the record of issues raised by I&R show that direct democracy devices can have a strong impact on how aware voters are of an issue. From the 1890s through the end of the 1920s, I&R addressed issues of women's suffrage, child labor, the 8 hour workday and morality issues such as gambling, prohibition and prostitution. In the 1950's and 1960's, I&R played a crucial role on civil rights issues such as school busing, open housing and the death penalty. In the 1970's and 1980's I&R brought issues of tax relief and environmental protection to the political forefront. (Hahn:1996, 3) In regard to the issue of nuclear proliferation addressed in an anti-nuclear referendum in Cambridge, Massachusetts during the 1980's, Schmidt observe, for instance, that "the issue engaged more public debate than any other in the city's history... and forced the community to assess its own role in the nuclear arms race and to take a stand, one way or the other. (1989, 156). As this example shows, the fact that the citizens were forced to vote on the issue of nuclear proliferation, resulted in greatly increasing the level of political engagement. By transferring the decision making process from the legislature to the public realm, I&R force citizens to deliberate about ballot issues, engage in political debates and develop positions.

While there do not exist any statistics that accurately measure to what extent I&R raise the level of political awareness among citizens, Schmidt's assessment of the level of media coverage of controversial issues provides some statistical evidence for the fact that I&R do increase political awareness.³ According to these statistics, media coverage of controversial issues was highest in the years in which controversial issues were addressed on the election ballot. In Oregon, for instance, media coverage was highest in 1982 when a limit was placed on property taxes and a land use law was repealed. In Colorado, coverage was highest in 1992, when a ballot addressing gay rights and tax spending constraints were being voted on. In North Dakota, it was the issue of term limits and the ability of law enforcement officials being allowed to search people and in California, most recently proposition 209 attracted a high level of media coverage. Naturally, statistics on the level of media coverage do not automatically imply an equal level of voter awareness. Yet as the media functions as the main political informant, there certainly exists a strong correlation between the two statistics, indicating that I&R do have a strong impact on voter's level of awareness.

Besides raising the level of awareness among the general public, I&R are also shown to raise the level of political participation. Through its participatory nature, requiring that ballot sponsors collect signatures and organize a successful campaign, I&R, or at least those sponsored by grassroots groups, have lead to greater political engagement among citizens. Schmidt found that between 1976 and 1989, I&R campaigns engaged approximately half a million people, most of whom were volunteers. In one particular instance, the California handgun control initiative of 1982, the initiative managed to bring together 30,000 volunteers for one single cause. Once again, sufficient statistics on how I&R increase the level of political participation are unavailable, yet the observations of several authors seem to indicate that, I&R achieve their purpose of raising civic participation, (Schmidt: 1989, Cronin: 1989).

While I&R can be claimed to increase voter turnout, awareness and participation on the whole, this increase is not spread equally throughout all of society. It is therefore crucial to ask who derives the most benefit from direct democracy devices. Here it becomes clear that the middle and upper socioeconomic classes benefit

³ Naturally, this assumes that the level of media coverage reflects the level of awareness among citizens.

substantially more from I&R than the lower classes. As in candidate elections, members of the middle and upper classes cast proportionally more of the overall vote on ballot votes than members of the lower classes. Hahn discovers that “low income citizens are less likely to vote in referenda than in candidate elections, and are more likely to drop off⁴ than their counter parts at higher levels of status,” (1987, 143). According to these findings, I&R therefore provide the upper classes with a double advantage over the lower socioeconomic classes. Not only do the upper classes have the advantage that they generally cast a vote that is greater in proportion than their part of the population but the fact that the lower classes tend to drop off in greater numbers than the other classes means that the interests of the upper classes gain even more in weight. The reason for this difference can be found in the fact that the “cost” of voting decreases with education and age, (Cronin: 1989, 66), and as voters of lower socioeconomic background are generally poorly educated and young, voters of the middle and upper classes have an advantage over voters of lower socioeconomic status.

As Gerber establishes, “the direct legislation process provides voters with a means for altering the distribution of power and wealth in favor of those who vote against those who do not,” (1999, 143). Clearly, it is therefore those who choose to vote who benefit most from I&R.

Not only do I&R have varying impacts on the level of turnout and political participation among different socioeconomic groups but voting patterns also shift depending on what socioeconomic group voters belong to. Hahn discovers, that social status provides the best indicator for the positions taken on ballot issues. More specifically, he finds that “while high status voters may be willing to utilize their resources to support local services in the communities in which they live, they apparently are not prepared to subsidize the disadvantaged, (1987, 124). Hence the combination of the upper classes casting a disproportionately large share of the overall vote with the fact that they generally only support spending resources on services that benefit their own group, leads to a situation where the middle and upper classes end up benefiting more from I&R than the lower classes. Gerber backs this finding when she states that “the

⁴ Meaning that they vote on candidates but leave the ballot section unmarked

direct legislation process provides voters with a means for altering the distribution of power and wealth in favor of those who vote against those who do not,” (1999, 143). The result therefore is that I&R act as a regressive system, shifting resources and power away from the powerless and poor towards the rich and powerful. As for religious and ethnic attributes, these appear to have little effect on how citizens vote, (Hahn:1987, 108).

As the above statistics and examples show, I&R increase voter turnout, awareness and participation. While the overall increase in turnout is not substantial, I&R can raise turnout considerably in midterm elections when ballot issues are particularly controversial. The same pattern is also true for the level of participation. Overall, the impact of I&R on political participation might be limited, yet on issues of great controversy, I&R have proven to bring about much civic participation. As for voter awareness, I&R appear to substantially increase media coverage of controversial issues from which it can be implied that the level of awareness among voters is also increased. In respect to the question among which socioeconomic groups I&R raise the level of turnout and civic participation, it becomes evident that the middle and upper classes benefit disproportionately more from I&R than the lower classes. In defense of I&R, it must, however, be said that the current representative system also disproportionately benefits the middle and upper classes, and that based on the track record of I&R, direct democracy can be assumed to reduce this disproportionate benefit more so than it increases it.

The Influence of Private Interest Groups

Direct democracy devices were first instituted to combat the corrupting influence private interest groups were having on state legislatures at the turn of the century. Through I&R, “ordinary” citizens were to be given an opportunity to influence the political process, and for a long time, I&R appear to have been successful at achieving this goal. With the explosion of campaign costs in recent years, the ability of citizen groups to use the I&R process to make their voice heard, however, has steadily decreased, and the influence of private interest groups has increased. This development has prompted critics of direct

democracy to argue that I&R are no longer serving the interests of the unheard citizenry but the interests of small, private interest groups. Although it is true that the influence of private interest groups is growing, statistics have found that this is mostly accurate for cases where groups try to block ballot measure from passing. In respect to getting new ballot measures passed, private interest groups are not particularly effective. In contrast, citizen groups, while not particularly effective in blocking ballot measures, enjoy a comparative advantage at getting new measures passed. Hence, the argument that I&R are coming to only serve private interest groups is oversimplified. The issue must be approached in a differentiated manner.

To understand why citizen groups are less and less able to use the I&R system to affect change, and why private interest groups are gaining increased control over it, it will be necessary to first look at the initiative's life cycle and the costs attached to each stage of it.⁵ The life of an initiative begins with an interest group or individual developing an idea for a ballot measure. Once born, the idea must be tested for popularity. This is accomplished in the sounding out stage, which entails hiring a consultant who tests the idea on interest groups and a representative segment of the voting age population to determine how likely it would be for the idea to pass the ballot box. The cost of sounding out an idea lies at \$45,000 to \$100,000.

The next step is the creation of focus groups that conduct an even more thorough study of feedback on the idea in different regions of the state. This stage generally costs between \$30,000 and \$50,000. Once this stage has been completed, pollsters are hired to conduct polls for quantitative feedback on the likely success of a particular ballot issue. As a campaign usually requires at least three statewide polls, this stage costs a minimum of \$500,000.

Further, the sponsors of an initiative need lawyers to advise them in the drafting of the initiative. Hourly wages for legal service currently lie at \$200-\$400 an hour. Next,

⁵ The prices vary from state to state and initiative to initiative and the prices quoted below are based on statistics for the state of California. The prices are based on an investigative article by Steve Kearsley, San Francisco Chronicle.

the petition must be filed with the Attorney General. The filing fee for an initiative lies at \$200.

After the petition has been filed, the gathering of signatures begins. This is one of the most expensive stages of the cycle. If paid signature gatherers are used, the costs can run anywhere from \$600,000 to \$2 million. If volunteers gather the signatures, the costs are lower. Yet the number of volunteers required for gathering enough signatures is high. To pay for all of these expenses, sponsors generally have to hire fundraisers who on average demand a flat consultancy fee of \$100,000-\$150,000, plus a percentage of the money raised.

The greatest costs of an initiative campaign, however, begin accumulating after a proposed measure has been qualified to appear on the election ballot. Once qualified, a successful campaign requires constant support from consultants and lawyers. The fees for these services vary from \$40,000-\$100,000 a month. Further, a campaign requires advertisement on TV, radio-stations and newspapers. This part of the campaign takes up the bulk of the funds and can cost anywhere from \$1million to \$25 million. Support for an issues is also raised through mailings and phone banks which cost between \$60,000 to \$600,000.

Added up, the total costs for an initiative end up ranging from \$2.7 million to \$29.7 million. A detailed breakdown of the various expenses of the initiative life cycle illustrate which aspects of the campaign are most costly.

Broadcast Advertising:	43.6%
Advertising literature:	17.9%
General Expenses:	11.3%
Consultants:	10.3%
Signature Gathering:	7.2%
Outdoor Advertising:	4.1%
Newspaper Advertising:	2.7%
Fund Raising:	1.5%
Travel:	1.5% ⁶

⁶ Statistics from investigative special by Steven Kearsley, San Francisco Chronicle.

As this table shows, advertisement makes up the greatest share of the total costs of initiatives campaign. When added up, broadcasting, newspaper, outdoor advertising and mailings account for 68% of campaign expenditures. A crucial expense missing in this listing, are the legal fees that can accrue if a passed initiative is contested in the courts. Depending on the issue and what level the case reaches in the courts, the legal fees can be substantial.

Having analyzed the life cycle of an initiative and the cost attached to its various stages, it will now be necessary to look at how this life cycle is financed. Obviously the sponsors differ from campaign to campaign depending on who is affected by the issue and how controversial it is. Even so, certain characteristics can nevertheless be attributed to sponsors that make it possible to classify them according to the categories below. The following breakdown is based on the eighteen most expensive initiative campaigns between 1956 and 1990.

Business Contributions:	82.6%
Individual Contributions:	8.4%
Broad-based organizations:	3.3%
Labor organizations:	3.2%
Office holders:	1.8%
Political Parties and Clubs	0.7% ⁷

As these statistics show, more than three quarters of the funds that are contributed to initiative campaigns hail from businesses. Individual contributors make up the second largest contributor and broad based organizations are third with 3.3%.

The question that arises from these statistics is how the different sources of campaign contribution affect the initiative process. Overall, it must be observed that there exist mostly two types of initiative sponsors and opponents, citizen groups and private

⁷ Source: California Commission on Campaign Financing, California Secretary of State.

interest groups financed by businesses. Based on the above statistics, it is easy to infer that private interest groups have a substantial advantage over citizen groups. The question therefore is how great of an advantage private interest groups enjoy over citizen groups.

Opinions on this matter differ greatly. Critics of the I&R system assert that the unfair distribution of funds has completely undermined the legitimacy of direct democracy. The Supreme Court of the U.S., in contrast, held in the 1976 decision *First National Bank of Boston v. Bellotti* that the unequal distribution of funds does not necessarily provide an advantage to the better-funded group, (Cronin:1984, 101). While the former position more accurately evaluates the situation as it is than that of the Supreme Court, the issue is not as black and white as presented by the critics. To understand which groups benefit or suffer when from greater or lesser funding, we shall look at Gerber's recent publication, *The Populist Paradox*.

In this study, Gerber comes to the conclusion that private interest groups, which are financially backed by businesses have a comparative advantage over citizen groups in blocking I&R from passing. Private interest groups do not, however, benefit substantially from their financial advantage when attempting to pass ballot measures. As Gerber finds, it takes both substantial campaign funds as well as a large volunteer base to get a ballot measure passed. This combination of volunteers and substantial funding, Gerber asserts can only be provided by citizen groups, meaning that even though private interest groups might have an advantage at blocking I&R, only citizens groups are in the position to get new measures passed.

The reason businesses have a comparative advantage at blocking new ballot measures but are at a disadvantage when it comes to passing new measures is due to several factors. First off, businesses overwhelmingly fund campaigns that aim at maintaining the status quo. 68% of all funds to I&R campaigns are contributed to groups that oppose new measures and only 32% to groups that support new measures. This has the effect that substantially more money is available for opposing measure than for supporting new ones. The comparative advantage is further advanced by the fact that large and costly media campaigns can easily create insecurity among voters about new measures, causing them to vote „no“. Large media campaigns cannot, however, guarantee to persuade voters to support a ballot measure they did not already support before the

outset of the campaign. While voters might allow themselves to be made insecure about their support on a proposed measure, they are reluctant towards media campaigns that attempt to persuade them to support a new measure. Voters generally tend to be suspicious of ballot campaigns that are backed by businesses. A last and also the most fundamental reason for why private interest groups have trouble getting new measures passed is due to the fact that they lack the volunteer base to organize a persuasive campaign. To get a ballot measure passed, it takes a large number of volunteers advocating the ballot issue among the citizenry, and private interests groups generally lack this popular support.

In contrast to citizen, citizen groups tend to support campaigns that aim at passing new measures. 74% of funds from citizen groups are spent on supporting new measures while 26% are spent on opposing new measures. The most common measures to be supported by citizen groups are measures on the environment, government and political process and education; the most common to be opposed are revenue and tax measures, health and welfare measures, as well as government and political process measures. The main reason citizen groups have a comparative advantage in passing new measures is due to their personal resources. Although groups that have a large volunteer base but are under funded do not have much of a chance of getting a new measure passed, citizen groups that possess both a large, well organized volunteer base, as well as sufficient campaign funds have a good chance of passing a new measure. The comparative disadvantage of citizen groups at blocking new measures derives from the fact that they generally lack the funds to stage a large media campaign against new measures.

Having established why private interest groups have a comparative advantage at blocking new measures while citizen groups have an advantage at passing new measures, the question arises what the nominal effects of these advantages are. Statistics on the effect of "big money" differ. Cronin finds that groups backed by "big money", have a 75% success rate at blocking a new ballot measure and a 25% success rate at bringing about passage of a new measure, (Cronin:1989, 109). In contrast, Gerber finds that the success rate of businesses in blocking initiatives lies at 59% and that of citizen groups at 53% (Gerber:1999, 115). Although these two statistics do not fully coincide, the conclusion to be drawn from them is that groups with substantial financial resources can

easily block a measure; even if they lack a large volunteer base. Moreover, as citizen groups tend to lack funding and private interest groups do not, citizen groups often find themselves in a position of financial disadvantage to groups with "big money". Statistics on past campaigns show that this discrepancy in funding can range anywhere from a ratio of 1:3 to 1:400. (Cronin: 1989, 110 & SF Chronicle).

The funding discrepancy between private interest groups and citizen groups has led to the impression that I&R have come to solely serve the interests of businesses and corporations. Although justified, the above analysis shows that the effect of "big money" on I&R must be understood in a more differentiated manner. While private interest groups have a comparative advantage over citizen groups when it comes to blocking new measures, they are at a disadvantage when trying to pass new measures. As it takes both substantial funds as well as a large volunteer base to get a ballot measure passed, it is generally only citizen groups which can get a new measure passed. Nevertheless, the system in its current form is far from fair. The advantages enjoyed by private interest groups corrupt the outcome of I&R elections, and mute the majority's voice. This problem, however, is not inherent to I&R. Most of the unfair advantages enjoyed by private interest groups could easily be eliminated if the Supreme Court allowed for the enactment of campaign spending caps.

Conclusion

This empirical section addressed the issues of voter competence, voter turnout, participation and awareness, increased responsiveness, and the influence of private interest groups. While the analysis shows that in none of the four areas, I&R are able to fully live up to the promises made in the theoretical part, they nevertheless are able to mitigate negative effects of the representative system and succeed in giving the majority will a stronger voice. Voters might not be as competent as one would wish for, but they nevertheless appear to vote according to their policy preferences. I&R do not increase

voter turnout by extraordinary percentages nor bring about considerably more participation. But even so, they do raise turnout and participation and with respect to political awareness, I&R seem to have a great effect. Moreover, with regard to increasing the responsiveness of representatives, I&R are certainly successful. On the issue of private interest groups and their influence in the I&R process, it has been shown that this influence is limited and that citizen groups still enjoy a comparative advantage at passing ballot measures. Despite the apparent problems with I&R, it can be concluded that when used in conjunction with the representative system, I&R can mitigate some of the problems inherent to representative government.

Initiatives and Referenda and the Internet

The purpose of this section is to explore how the Internet might be able to improve the Initiative and Referenda process. The expectation is not that the Internet can solve all of the problems of I&R but rather that it possesses capabilities that could contribute to its improvement. Research on how the Internet could improve the process has not yet been completed. There exist numerous articles of shorter length discussing Internet voting for candidate elections as well as an extensive report by the California Secretary State on the feasibility of Internet voting. Research on the potential effects of Internet voting on the I&R process and how the Internet's capabilities might be able to improve the system, however, are lacking. It is the intention of this section to fill in this gap. Due to the lack of research in this area, this section builds on the conclusions drawn in the empirical section to develop hypothesis on how the Internet's capabilities might be able improve the current system. The ideas and recommendations given in this section are not to be regarded as fully developed but rather as ideas aimed at drawing the current discussion surrounding the Internet out of the observational mode into a creative one that looks at the concrete procedure and what this new technology might be able to contribute to it. The issues concretely looked at here are two-fold, first the potential opportunities for the Internet to raise voter turnout, improve voter competence and decrease the influence of private interest groups, and second the problems related to the Internet; the issues of access and security.

Voter Turnout

The section on voter turnout, participation and awareness showed that I&R can bring about a moderate increase in voter turnout. In the end, however, even direct democracy devices appear to fail in substantially increasing turnout. The reason for this is two fold, one being that voter turnout among the lower socioeconomic groups is always low and will only increase with greater economic equality, (Hellinger and Judd:1996 143) and

secondly that I&R do not decrease the opportunity costs involved in voting. While the Internet cannot offer a solution to the first problem, it can offer one to the second.

Today's election procedure involves high opportunity costs. In order to actually vote, citizens must register, inform themselves of the candidates and issues to be voted on and visit the polling station. All this requires time and even though it might be desirable to believe that citizens would value their democratic right to vote enough to take the time to exercise it, the low voter turnout in elections shows that America's citizenry is unwilling to expend that time and effort. A recent study conducted by the Field Poll found the most common reason quoted for not voting as being, "too busy".⁸ Hence, it must be inferred that the voting procedure, as it is currently set up, involves time costs that are too great for the majority of citizens.

This is where the Internet offers an opportunity for increasing turnout among voters. As the voting process consists of three steps, registering, information gathering and voting, we shall look at each step separately. The process of registering generally does not incur great opportunity costs. Registration drives are regularly held in public spaces such as supermarkets and shopping malls, making it easy for citizens to register. Moreover, once registered, a citizen remains registered as long as s/he remains living in the same residence. These opportunity costs, however, increase substantially for persons moving on a regular basis. After every new move, a citizen must reregister and considering that a person just having arrived in a new location is unaware of where s/he can register, the costs involved in registering are great. With the Internet, these costs are substantially reduced. Web registration, already available through Election.com⁹, allows citizen to register over the Internet, eliminating the costs involved in tracking down the local Board of Elections to register. Where registration might have required a visit to a local government office, registering over the Internet only takes a few minutes and can be accomplished from any location with Internet access.

Voting on ballot measures requires citizens to gather information on the issue. The costs incurred by this process are great. In order to develop a comprehensive understanding of a ballot measure, voters must follow the news on TV or the radio, read

⁸ Field Poll, 1996, see www.calvoter.org/pr/statistics/html

⁹ See www.election.com

newspapers and voter pamphlets as well as gather information from other resources. To accomplish all that requires time and effort. With the Internet, this process becomes much easier. While the Internet still requires that voters take time to read the documents retrieved, the time costs involved in gathering the information are much reduced. Rather than having to skim newspapers, listen to the radio, watch TV and retrieve a voter pamphlet weeks in advance to the election, the Internet allows voters to gather opinions and facts from various different sources within minutes. The Internet's instantaneous capabilities even make it possible for voters to gather needed information at the time of voting.

In respect to the voting act itself, this requires citizens to take time out of their day to visit a polling booth. Depending on the time constraints and schedule citizen are subject to, this visit can present a time burden that is too great for some citizens. Clearly this is not true for every citizen failing to vote but whatever the reasons are, America's voting statistics show that the opportunity costs involved in visiting the polling booth are too high. The Internet can reduce these costs. Its ability to let citizens vote from wherever they can obtain Internet access, considerably reduces the time required for completing the act of voting. Instead of forcing citizens to go out of their way to visit a polling station, the Internet allows them to vote from anywhere at anytime, reducing the time involved in voting to only a few minutes.

Proof that Internet voting can increase turnout was given by the Arizona Democratic Primaries held in March of 2000. In these primaries, Internet voting increased voter turnout by 622%.¹⁰ While citizens were still able to vote through paper ballots, the ability to vote via the Internet attracted many new voters. Naturally, these numbers are not representative and would not be reflected in normal elections. Primaries generally only bring a small percentage of the voting age population to the polls and therefore even a small increase in turnout registers as a dramatic increase. A similarly large increase could not be expected from the introduction of Internet voting because many more citizens partake in normal elections. Nevertheless, the large increase in voter turnout during the Arizona primaries proves that the reduced time costs can have an

¹⁰ See www.election.com

effect. This hope is further supported by a study, which found that 66%¹¹ of Americans would like to vote via the Internet. While only providing limited evidence, these two statistics show that Internet voting possesses the potential to substantially increase turnout.

Clearly, the question whether Internet voting will actually increase turnout will not be settled until the first official Internet election takes place. However, the fact that the Internet spares citizens many time consuming activities such as skimming papers for months before the election, looking up the board of elections and visiting the polling booth, can be expected to be reflected in the turnout of voters. By allowing citizens to register, gather information and vote from anywhere at anytime, the internet greatly reduces the time costs involved in voting and as time represents one of the most crucial determinates to voter turnout, the reduced costs can be predicted to bring about an increase.¹²

Voter Competence

The section on “Voter Competence” showed that citizens frequently suffer under a feeling of confusion when voting on ballot measures. This is due, on the one hand, to the inherently complex nature of laws, and on the other, to the lack of quality information and the high time costs involved in obtaining information on ballot measures. While voter pamphlets, distributed by the Secretary of State’s office, offer citizens with a relatively objective summary of the ballot measures to be voted on, including the pro and con arguments to the measures and a copy of the full ballot texts, these pamphlets often represent the only comprehensive information source available to voters. Bill boards, thirty-second television and radio advertisements and superficial articles in newspapers generally fall short of providing information sources of quality. Yet besides these sources, there do not exist many alternatives for gathering information on ballot

¹¹ See www.election.com.

¹² To see how Internet voting might look like, visit www.votehere.net

measures. Through the Internet, this scarcity of information, however, can be overcome and the time costs involved in obtaining comprehensive information substantially reduced.

Voter pamphlets, radio and television advertisements and newspaper articles make up the dominant sources of information for voters but with the exception of voter pamphlets, these sources appear to generally lack depth and provide biased perspectives. This situation leaves citizens feeling confused about a ballot measure or wanting to gain greater insight into an issue with few opportunities for clarifying their position. With the Internet, however, a new information source has been created, offering citizens a greatly increased pool of resources. “The medium is like a library, a news wire, a deliberation room and a voting booth, all meshed together in a dynamic process at the tip of the citizen’s fingers,” (Richard:1999, 73). Through the Internet, citizens are now able to gain access to information long unavailable to them. The Internet provides citizens with access to an entire spectrum of public thinking. Information and viewpoints previously inaccessible to the “average” citizen are placed at the citizen’s fingertips. Although the Internet’s abundance of information cannot promise to clear up the confusion experienced by citizens, it helps citizens overcome the information scarcity existent before the advent of the Internet.

Another important aspect to raising voter competence is the issue of public deliberation. As Barber argues, “the objective (of direct democracy) is not to canvass opinion or to take straw poll, but to catalyze discussion and to nurture empathetic forms of reasoning, (Barber:1984, 289-90). The Internet’s capability to bring together like-minded people does just that. Through use nets and chat forums, the Internet has created a new space for like-minded people to exchange ideas, and while the Internet cannot replace the traditional forms of communication, it can add a further dimension to them.

The time costs involved in gathering information on ballot measures are greatly reduced by the Internet. While voter pamphlets from the Secretary of State are delivered to every household, other sources of information are difficult to obtain. Television and radio assume that citizens have time to watch or listen to programs, and newspaper must be subscribed to. The time costs involved in obtaining sufficient information from these

sources can be considerable. In contrast, the Internet allows citizens to access information on ballot issues at anytime from anywhere. While the traditional sources of information are limited both in scope as well as in availability, information on the Internet is abundant and always accessible. This decrease in time costs, it is hoped will be able to reduce the level of confusion experienced by voters.

The crucial factor to whether this hope will be able to realize itself, however, will depend on the composition of the official election sites. Currently, many citizens end up feeling confused about ballot measures because at the time of voting, they are unable to look up information on the issue they feel unsure about. Although voters have the opportunity to read up on ballot measures before voting, the polling booth offers no information to citizens who did not have the time to inform themselves adequately or want to double check their position. Especially with ballots containing multiple measures, it is easily understandable how the inability to look up information could cause voters to feel confused.

An official election page, providing a summary of the ballot measures to be voted on, arguments in favor and against the measure, the ballots' full texts, links to the sites of the proponents and opponents, as well as campaign finance disclosure, at the time of voting, could substantially reduce this level of confusion. With the Internet, a voter feeling unsure about a measure could simply click on a link that would provide him with information on the measure to be voted on. Moreover, the Internet's multimedia capabilities could provide illiterate and disabled citizens with illustrations and video and sound clips explaining the content of ballot measures.

Even though the Internet cannot fully solve the problem of voters feeling confused about ballot measures, it offers many opportunities for solving the current scarcity in information sources and for reducing the costs involved in obtaining sufficient information. While today, making an informed decision requires citizens to spend countless hours reading newspapers, watching television, listening to the radio or consulting other traditional sources of information, the Internet offers citizens the opportunity to quickly access a large variety of information sources previously unavailable. In respect to the time costs involved in gathering information on ballot

issues, these too are substantially reduced by the Internet. If citizens are actually provided with the opportunity to vote over the Internet, then the confusion experienced by many voters.

Citizen Groups & Private Interest Groups

As seen in the section “The Influence of Money”, the greatest challenge to the integrity of I&R is the increasing ability of private interest groups to manipulate the outcome of ballot elections. When first introduced, I&R were intended to empower citizen groups to counter the powerful influence of private interest groups over public officials. With ever increasing campaign costs, grassroots citizen groups, however, are becoming less and less able to use the I&R process. While the greatest correction to this problem can only be effected by a reversal of the Supreme Court decision prohibiting the imposition of spending caps on I&R campaigns, the Internet nevertheless offers some opportunities for strengthening the position of citizen groups. By making it easier for citizen groups to organize and raise funds, and by possessing the potential to substantially reduce the costs of I&R campaigns, the Internet has the ability to, at least partially, restore the intended purpose of I&R; to give citizens a direct voice in the political decision making process.

In order to understand in what respect the Internet can assist citizen groups in launching a ballot campaign, we shall return to the I&R life cycle. Starting with the birth of the idea of an initiative, the Internet’s ability to link up like-minded people and increase communication among grassroots organizations, creates a creative atmosphere, which is conducive to developing new ideas and uniting groups and individuals with common political goals. As Moore observes, “the net is especially effective in co-ordination of real-world organizations – enhancing group communication, reducing travel and meetings, and enabling more rapid decision making,” (Moore:1991, 41). While in the past citizen activists had to spend much time, money and effort on printing and distributing publications, attending meetings, communicating with other activists and

traveling, the Internet's virtual space allows citizens to come together and develop ideas for ballot measures in a place that exists outside of the constraints of time and space. This substantially reduces the costs traditionally attributed to organizing a group that would be in a position to sponsor a ballot measure. Especially for groups inexperienced in the use of I&R, the Internet provides much support. Websites, such as that of the Secretary of State and DirectDemocracy¹³, provide step-by-step instructions on how to launch a ballot measure.

As for the sounding out stage, here the Internet could affect considerable savings. While the current system requires sponsors to hire pollsters to assess the interest in a ballot measure via traditional means such as phone surveys, the Internet would allow pollsters to create on-line polls for assessing the ballot's chance of success, substantially reducing the cost of this stage.

In the drafting stage of the ballot, the Internet only offers limited resources of support. The Internet's capabilities to organize like-minded citizens might be able to turn up attorneys willing to draft ballot measures pro bono but in general, the Internet most likely will not be able to reduce the costs of this stage.

The signature gathering stage represents the stage that could be most strongly affected by the Internet. Under the current system, each gathered signature costs approximately one dollar. This means that in a state like California, which requires roughly 500,000 signatures to qualify a ballot measure, the signature gathering stage can cost upward half a million dollars, (Kearsey, SFChronicle). Collecting signatures over the Internet, however, would substantially reduce these costs. Rather than having to pay signature gatherers to stand in public spaces such as supermarkets and post offices, citizen groups could rally support for their ballot measure via e-mail lists, online publications and newsgroups, the Internet allows for signatures to be collected over the web. The Internet's ability to instantly verify and tally the number of signatures collected, would also help signature gatherers overcome the current problem of having to estimate the number of signatures gathered and of having to compensate for false and duplicate signatures.

¹³ See www.DirectDemocracy.Com and www.ss.ca.gov

In respect to the actual campaign, the Internet's potential to influence public opinion is still limited. TV, radio and the print media continue to dominate as news sources and as long as contributions to I&R campaigns are not regulated, private interest groups will continue to possess a considerable advantage over citizen groups in financing large scale advertisement campaigns. Despite this fact, the Internet does provide citizen groups with an inexpensive means for disseminating information. This information might not reach as many people as the mass media does but as Moore observes, "information, perhaps published in an obscure leaflet in an unknown corner of the world, is suddenly brought to the attention of thousand worldwide," (1999, 41). Especially to citizens interested in the details of a ballot measure, the Internet offers the opportunity to easily look up resources and opinions unavailable through traditional news sources.

To what extent the Internet will be able to help citizen groups disseminate their information depends greatly on the government. While the current Secretary of States' web sites offer no links to the websites of ballot sponsors and opponents, an official election website with links to these two parties; having been established after the introduction of Internet voting; could substantially increase the exposure of citizen groups. The hope would be that as Internet use becomes more prevalent, the influence of traditional news sources will decrease and the ability of citizen groups to attract attention will increase.

Besides providing citizen groups with an inexpensive medium for building support networks, gathering signatures and broadcasting ideas, the Internet also offers grassroots groups a new means for raising campaign funds. As the campaign of presidential candidate John McCain for the year 2000 primaries showed, allowing supporters to pledge donations via the Internet, can attract many new donors and substantially reduce the costs of fundraising. In the instance of John McCain's campaign, it was found that the Internet reduced the fundraising costs for donations of \$1,000 from an average of \$300 to \$100 per pledge; a reduction of 66%, (Gerber: 01/18/2000, Slate). In place of having to pay for costly fundraising campaigns such as telephone pledge drives and mailings, the Internet allows citizen groups to inexpensively contact potential donors via e-mail. Moreover, the Internet reduces a process that currently requires donors to first receive a

pledge request or figure out where and how to pledge money, then write a check and lastly mail it, to the simple act of logging on to a website and donating money by entering a credit card number¹⁴. Although this increased convenience will not be able to eradicate the funding discrepancy between citizen groups and private interest groups, it might allow citizen groups to gain access to previously untapped resources.

In addition to providing citizen groups with means for raising greater funds, the Internet has the potential to bring more transparency into who the financial sponsors of a campaign are. At present, private interest groups will often take on a name eluding to the identity of a citizen group, while in actuality they are fully funded and staffed by corporations or wealthy individuals. Through web sites like OpenSecrets¹⁵, the official election web site could allow citizens to look up who has funded a particular I&R campaign. Based on how suspicious voters are of ballot measures sponsored by private interest groups, it is likely that increased access to such information would make voters more aware of sponsors attempting to claim false identities. Naturally, this information cannot rectify the current funding discrepancy but at least it would uncover those campaigns that claim to represent the interests of citizen groups, while in actuality representing the interests of a private interest group.

The Internet offers many opportunities for reopening direct democracy to citizen groups that have been prevented from using I&R because of its prohibitive costs. By providing a new space for like-minded individuals to “gather” and by substantially reducing the costs involved in launching a ballot measure, the Internet gives citizen groups many new means for using the I&R process to further their cause. The Internet also offers citizen groups the opportunity to raise money from untapped sources, which could possibly help reduce the funding discrepancy between private interest groups and citizen groups. Moreover, the Internet’s capacity to bring about more transparency into the financing behind I&R campaigns, has the potential to make voters more aware of whose interests are being served by a particular ballot measure. While unable to eradicate the advantages

¹⁴ Naturally, this process favors credit card owners over none owners. Yet considering how high the current barriers to making donations are, this innovation must be valued for its capacity to lower these barriers.

¹⁵ See www.opensecrets.org

private interest groups have over citizen groups, the Internet offers many capabilities in support of citizen groups trying to make their voice heard.

Internet Access

One of the greatest concerns with Internet voting is the question of access. Currently Internet access is unevenly distributed, with the upper socioeconomic classes having access and most of the lower classes not having access. Naturally, this creates an unfair advantage for those with access over those without. While those with an Internet connection will be able to access a wealth of information on candidates and ballot issues, sign petitions and enjoy the convenience of voting from home or work, those without access will have to continue following the time consuming procedures of today's voting system.

While the concern over unfair distribution of Internet access is justified, leaving these technological capabilities unused does not solve the problem of low voter turnout and civic participation. The root causes for low voter turnout and participation are lack of education, poverty and political disempowerment.¹⁶ Only if these problems are tackled can voter turnout and participation be increased. Prohibiting the collection of signatures and voting over the Internet will not solve this problem, and most likely will only compound the political power of the upper socioeconomic classes. The question to be asked therefore is not whether the Internet should be integrated into the I&R process or not but rather how universal Internet access can be brought about.¹⁷

An example for how access can be provided to individuals and institutions unable to afford an Internet connection are the 1997 Phone Fee program and Britain's "computer for hire" scheme. The 1997 Phone Fee program imposed a tax on cellular phones

¹⁶ Hellinger and Judd, 1996. *The Democratic Facade*, 143, statistics from Kevin P. Phillips, *Post-Conservative America: People, Politics and Ideology in a Time of Crisis*, 1982, p.103

¹⁷ As the question of equal access not only pertains to the area of political participation but also to other areas such as employment, it will eventually become necessary to insure universal access for an entire array of reasons.

earmarked specifically to finance Internet connections for public schools and libraries.¹⁸ Through this program it has been insured that all public schools and public libraries in the United States have Internet access by 2001. As for the individual households, here Britain's "computer-for-hire" scheme provides an example for how the government can insure that citizens of lower socio-economic status gain access. According to this scheme, low-income families can rent computers from the government and connect to the Internet for a fee of under \$10 a month. A program that does not yet exist but could also considerably reduce the costs of access, would be a program, which provided free dial in numbers to Internet providers for low-income families.

Moreover, the current boom in e-commerce can be expected to substantially lower the cost of Internet access. The sheer fact that America's private sector will want citizens to be able to satisfy their consumer needs via the web, will most likely bring about universal access. Today, equipment for connecting to the Internet via WebTV and cable TV can already be purchased for under \$200 and some Internet service providers even offer free computers and free 1-800 access numbers when signing up for a two to three year contract for a monthly fee of \$30.

Lastly, it must be considered that current projections estimate the number of people using the Internet by the year 2005 to reach one billion.¹⁹ Based on this statistic and the fact that access is becoming cheaper from day to day, it can be assumed that by 2005 nearly all Americans will have access to the net and that therefore the issue of access will most likely have been solved.

Currently, the issue of Internet access presents a problem in that the upper socioeconomic classes proportionally possess a higher rate of access than the lower socioeconomic classes. The solution to this problem, however, is not to prohibit Internet voting but to support the private sector in providing cheap access and to develop programs that will insure that citizen of lower socio-economic also gain access. In the long run, it can be expected that the question of access will be solved more or less on its

¹⁸ The Phone Fee program, created by the Clinton administration, uses phone fee taxes to fund Internet access in poor school districts and public library systems.

¹⁹ US. Department of Commerce Report, The Emerging Digital Economy, April 15th 1998

own and that the crucial question will be how to develop this technology in a way that benefits those groups currently excluded from the political decision making process.²⁰

Security on the Net

Elections provide the legitimizing basis for democratic governments. Consequently, one of the greatest concerns about Internet voting is the question of whether it is secure. Presently, hackers regularly break into computer systems; modifying, retrieving and destroying data. This creates the worry that hackers could crack the security systems of the servers hosting elections, causing fraudulent results. Furthermore, voting over the Internet raises the question of how to ensure that the person casting the vote is also the registered voter sitting at the computer. Although these concerns are legitimate, today's security systems are capable of providing a safe election process, that both ensures that hackers cannot obstruct an election and that the person casting his/her vote is also the person s/he claims to be. To gain insight into how such a system would work, we shall look at Marc Strassman's article "Internet Voting Circa 2002", which will demonstrate to us the practical workings of such a system.

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/she signed it.²¹

²⁰ For further government policies on how to close the digital divide see the E-government initiative of the State of California on www.ss.ca.gov

²¹ Internet Voting Circa 2002, <http://www.intellectualcapitol.com/issues/issues228/item4339.asp>

As this description shows, ideas on how to design a secure voting system already exist. With today's encryption and authentication technology, the Internet possesses the capability to provide a nearly fraud proof voting system and several software companies are offering secure voting system that a currently being tested by a variety of states. Moreover, the success of the Arizona Democratic Primary, which proceeded without any security problems, shows that Internet voting is already feasible. Naturally, a 100% guarantee cannot be promised, but no system, even the current ballot is 100% fraud free.

While these tests might continue to leave some individuals skeptical of the Internet's security, we should also take a look at the current voting practice and compare its level of security to that of the Internet. USA Today's editorial columnist Kevin Maney, who discusses Internet voting in his article "A plea for virtual voting", describes his voting experience in the following manner:

It is true. It will be a while before engineers can create foolproof ways-maybe fingerprint readers or retinal scanners-to absolutely know it's you casting that vote. But let's look at this another way: Right now, the bar for voter verification is pretty stinkin' low. When I walked into the school cafeteria Tuesday, just before the row of voting booths sat three citizen I did not know. Two had books of printouts on wide computer paper-the kind most of us haven't seen since 1976. The first guy asked my name. He found it in the book, then turned the book around to show me. "That it?" he asked. I said yes. He recited my name and address to next person, who checked it off in her book. No one asked for ID. The third lady handed me a blue card, which I handed to the person manning the booths-my ticket to vote. I've had a harder time getting into Price Club. Any web site that asks for a credit card number has better security. At that level, there must be a way to make net voting work.

Even though some voting districts surely take security more seriously than the one described here by Kevin Maney, his experience demonstrates that the current voting system is far from secure. If anything, the Internet will most likely provide a safer system that not only better ensures the identity of the voter but also prevents the loss of voter registration information by local election boards. Furthermore, it must be taken into account that some states such as Oregon do not even use voting booths but hold elections via absentee ballot, which are even less secure because they do not require any form of authentication besides the signature, whereas Internet voting would require citizens to enter a personal pin number before voting.

Security concerns over Internet voting ought to be taken seriously. At the same time, however, these concerns should not prevent Internet voting from being introduced. Considering on the one hand the current level of security at voting booths and on the other, the Internet's security capabilities with technologies such as pin numbers, smart cards and computer origination identification, the Internet might be able to increase the protection against fraud, rather than decrease it.²²

Conclusion

As seen in this section, the Internet's capabilities provide many opportunities for improving the I&R process. Voter turnout could be potentially boosted by the ability to vote directly from home or work, voter competence could be raised through the vast amount of information available to citizens up until the moment of voting and the influence of private interest groups could be reduced by the fundraising capabilities and cost savings offered by the Internet. As for the issue of access, this problem will most likely be resolved within a few years; and the issue of security, if not already solvable, is also only a matter of time.

While it is crucial to recognize and acknowledge these opportunities, it is equally important to see that only if a compositional, legal and technological framework with a proper response mechanism within government, (Richard:1999, 71), is created, will the Internet be able to improve the I&R process. For instance, even though Internet voting possesses the potential to increase voter competence, one must understand that this will only be achieved if the official election page is composed such that it provides the voter with sufficient information and web-links. For the Internet to actually bring about improvements to the current I&R process, it will be essential that this framework be created.

²² For further information on the feasibility of Internet voting see the report of the Internet Task Force of the State of California at <http://www.ss.ca.gov/executive/ivote/>

As mentioned in the introduction to this section, the ideas presented here represent recommendations based on the conclusions drawn in the previous chapter. The ideas are not final nor do they claim to be developed in full. They rather represent a first step in the direction of research aimed at exploring how the Internet's capabilities might be able to give the citizenry a greater voice in the political decision making process.²³

²³ For further, non Internet related recommendations on how to improve the I&R process, see Cronin: 1989, 243-45.

Conclusion

The keynote of democracy as a way of life may be expressed...as the necessity for the participation of every mature human being in the formation of values that regulate the living of men together; which is necessary from the standpoint of both the general social welfare and the full development of human beings as individuals.

- John Dewey

Initiatives and Referenda build on the participatory theory of democracy, which regards human beings as social creatures with a right to self-determination and access to the political decision-making process of their community. In contrast to liberal democratic theories, which place the highest value on individual freedom, the participatory theory advocates political participation and the execution of the majority's will as the most crucial characteristics of democracy.

I&R attempt to bring about a more participatory democracy by adding to the representative system a device for citizens to directly pass legislative proposals. More concretely, I&R allege to provide citizens with the means to directly express their will and influence the political agenda, bring about greater civic political participation, hold representatives more accountable, reduce the influence of private interest groups and to transfer part of the political decision-making process to the people.

However, as the empirical section shows, I&R do not fully live up to these alleged benefits. On the issue of voter competence, it was found that even though citizens ended up voting in accordance to their policy preferences, many nevertheless felt confused about the details of the issues they were voting on. In respect to voter turnout, participation and awareness, it appears that the increase in turnout and participation brought about by I&R is only moderate but that in terms of political awareness, I&R can considerably increase awareness among the citizenry. In terms of raising the responsiveness of representatives, I&R have shown to present a very effective tool. As for the issue of private interest groups taking advantage of the I&R system, statistics show that private interest groups enjoy a considerable advantage when it comes to blocking ballot measures but that in respect to getting ballot measures passed, citizen groups still enjoy a comparative advantage.

Addressing the shortcomings established in the empirical section, the Internet section shows how the Internet's capabilities can improve the current I&R process. In respect to voter turnout, the Internet's capacity to allow citizens to vote from anywhere at anytime bears the potential to substantially increase turnout. With regard to the problem of voter competence, the Internet's wealth of informational resources offers citizens the opportunity to overcome the current lack of substantive information. Especially the capacity to let citizens look up information at the time of voting, promises to reduce the confusion experienced by many citizens. In respect to the increasing costs involved in launching an initiative, the Internet offers citizen groups many opportunities for reducing these. As for the drawbacks in terms of security and access, these problems must be approached from a long term and interventionalist perspective. First off, it must be understood that these problems most likely constitute short-term problems that will be solved over time. Second, it is crucial, especially on the issue of access, to take a proactive stance where one does not prevent the use of the Internet because of a lack of access and security but rather develops ideas on how to improve security and insure universal access. In the end, however, the question of whether the Internet's capabilities can bring about an improvement to the I&R process will depend on the establishment of a proper response mechanism within government. Only with these mechanisms in place will Initiatives and Referenda be able to constitute a strong, fourth branch of government that gives the majority's will a direct voice in the political decision-making process.

References

- Arrow Kenneth, 1951. "Social Choice and Individual Values", 2nd edn, New Haven, Yale University Press.
- Barber, Benjamin, 1984. "Strong Democracy", Berkley, University of California Press.
- Benzenbinder, Th & Van Acker, P. 1985. "The Ostrogorski Paradox and Its Relation to Nontransitive Choice", Journal of Mathematical Sociology, Vol. 11, pp. 131-58.
- Berlin, Isaiah, 1969. Four Essays On Liberty, Oxford, Oxford University Press.
- Butler, David & Ranney, Austin, 1978: "Referendums: A Comparative Study of Practice and Theory. Washington DC, The American Enterprise Institute for Public Policy Research.
- Carpini, Michael X Delli and Keeter, Scott, 1996. "What Americans know about politics and why it matters", New Haven, Yale University Press.
- Chen, K.,1992. "Political Alienation and Voting Turnout in the United States, 1960-1980, New York: Mellen Research University Press.
- Condorcet, Marquis de, 1785/1976. Selected Writings edited by Keith Michael Baker, Indianapolis: Bobbs-Merril.
- Cronin, Thoma, 1989. "Direct Democracy", Cambridge, Harvard University Press.
- Dahl, Robert A., 1976, "Democracy in the United States: Promise and Performance", 3rd edn, Chicago, Rand McNally.
- Dionne, E.J. Jr., 1991. "Why Americans Hate Politics, New York, Simon & Schuster.
- Gerber, Elisabeth R., 1999. "The Populist Paradox, Interest Group Influence and the Promise of Direct Democracy, Princeton, Princeton University Press.
- Gerber Eve, 1999. "Six Arguments for Online Fund Raising", Slate.
- Hahn, Harlan and Kamieniecki, Sheldon, 1987. "Referendum Voting, Social Status and Policy Preferences", New York, Greenwood Press.
- Hellinger, Daniel and Judd, Dennis R., 1994. "The Democratic Facade", Belmont, CA, Wadsworth Pub. Co.
- Initiative and Referendum Institute. See www.iandrinstute.org.
- Kearsley, Steve, May 8, 1998. "Boom on Spending in Initiatives", San Francisco Chronicle.
- Maney, Kevin, November 8, 1999. USA Today.
- Mill, John-Stuart, 1976. "Three Essays (On Liberty, Representative Government, The Subjection of Women), edited by Jay Gray, Oxford, Oxford University Press.
- Moore, Richard, 1999. "Tools of governance" in Digital Democracy, edited by Hague, Barry. N and Loader, Brian D., London, Routledge.
- Richard, Elisabeth, 1999. "Tools of governance" in Digital Democracy, edited by Hague, Barry. N and Loader, Brian D., London, Routledge.
- Riker, William, 1986. "The Art of Political Manipulation", New Haven: Yale University Press.

- Rousseau, Jean-Jacques, 1763/1976. "Of the Social Contract or Principles of Political Right", introduction by Charles M. Sherover, New York, Harper&Row.
- Schmidt, David, 1989. "Citizen Lawmaker", Philadelphia, Temple University Press.
- Schumpeter, Joseph A., 1943/1992. "Capitalism, Socialism and Democracy, London, Routledge.
- Setälä, Maija, 1999. "Referendums and Democratic Government", New York, St. Martin's Press.
- Southwell, P.L., 1986. "Alienation and Nonvoting in the United States: Crucial interactive efforts among independent variables", Journal of Political and Military Sociology, 14,2, pp.249-261.
- Webster's II New College Dictionary, 1995. Houghton Mifflin Company