

1-6-2000

## Elections. Internet Voting, Voter Registration And Initiative Petitions.

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Political Reform  
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**BILL JONES**  
*Secretary of State*  
*State of California*

**ELECTIONS DIVISION**  
(916) 657-2166  
1500 - 11th STREET  
SACRAMENTO, CA 95814  
Voter Registration Hotline  
1-800-345-VOTE  
For Hearing and Speech Impaired  
Only  
1-800-833-8683  
e-mail: comments@ss.ca.gov

January 6, 2000

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (00014)

FROM:

*Joanna Southard*  
\_\_\_\_\_  
**JOANNA SOUTHARD**  
ELECTIONS ANALYST

RECEIVED

JAN 11 2000

SUBJECT: INITIATIVE #880

LIBRARY  
THE COLLEGE OF THE SACRAMENTO

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**ELECTIONS. INTERNET VOTING,  
VOTER REGISTRATION AND INITIATIVE PETITIONS.  
INITIATIVE STATUTE.**

The proponents of the above-named measure are:

Fred Adler and Robert Chavez  
The Living Constitution Society  
2519 Mission Street  
San Francisco, CA 94111  
(415) 282-4242



#880  
ELECTIONS. INTERNET VOTING,  
VOTER REGISTRATION AND  
INITIATIVE PETITIONS.  
INITIATIVE STATUTE.

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: ..... 419,260  
California Constitution, Article II, Section 8(b)
  
2. Official Summary Date:..... Thursday, 01/06/00  
Elections Code section (EC§) 336
  
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (EC §336) ..... Thursday, 01/06/00
  
  - b. Last day Proponent can circulate and file  
with the county. All sections are to be filed at the  
same time within each county (EC §336, 9030(a)) .....Monday, 06/05/00\*
  
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total  
to the Secretary of State (EC §9030(b))..... Thursday, 06/15/00  
  
(If the Proponent files the petition with the county on a date prior to 06/05/00 the  
county has eight working days from the filing of the petition to determine the total  
number of signatures affixed to the petition and to transmit the total to the  
Secretary of State) (EC §9030(b)).
  
  - d. Secretary of State determines whether the total number  
of signatures filed with all county clerks/registrars of  
voters meets the minimum number of required signatures,  
and notifies the counties (EC §9030(c))..... Saturday, 6/24/00\*\*
  
  - e. Last day for county to determine total number of qualified  
voters who signed the petition, and to transmit certificate  
with a blank copy of the petition to the Secretary of State  
(EC §9030(d)(e)) ..... Monday, 08/07/00

\* Date adjusted for official deadline which falls on Sunday (EC §15).  
\*\* Date varies based on receipt of county certification.



**INITIATIVE #880**

**Circulating and Filing Schedule continued:**

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(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 06/24/00 the last day is no later than the thirtieth day after the county's receipt of notification). (EC §9030(d)(e)).

- f. If the signature count is more than 461,003 or less than 398,139 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 398,139 and 461,003 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (EC §9030(f)(g); 9031(a)) ..... Thursday, 08/17/00\*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State (EC §9031(b)(c)). ..... Friday, 09/29/00

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 08/17/00, the last day is no later than the thirtieth working day after the county's receipt of notification). EC §9031(b)(c).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033)..... Tuesday, 10/03/00\*

\* Date varies based upon receipt of county certification.

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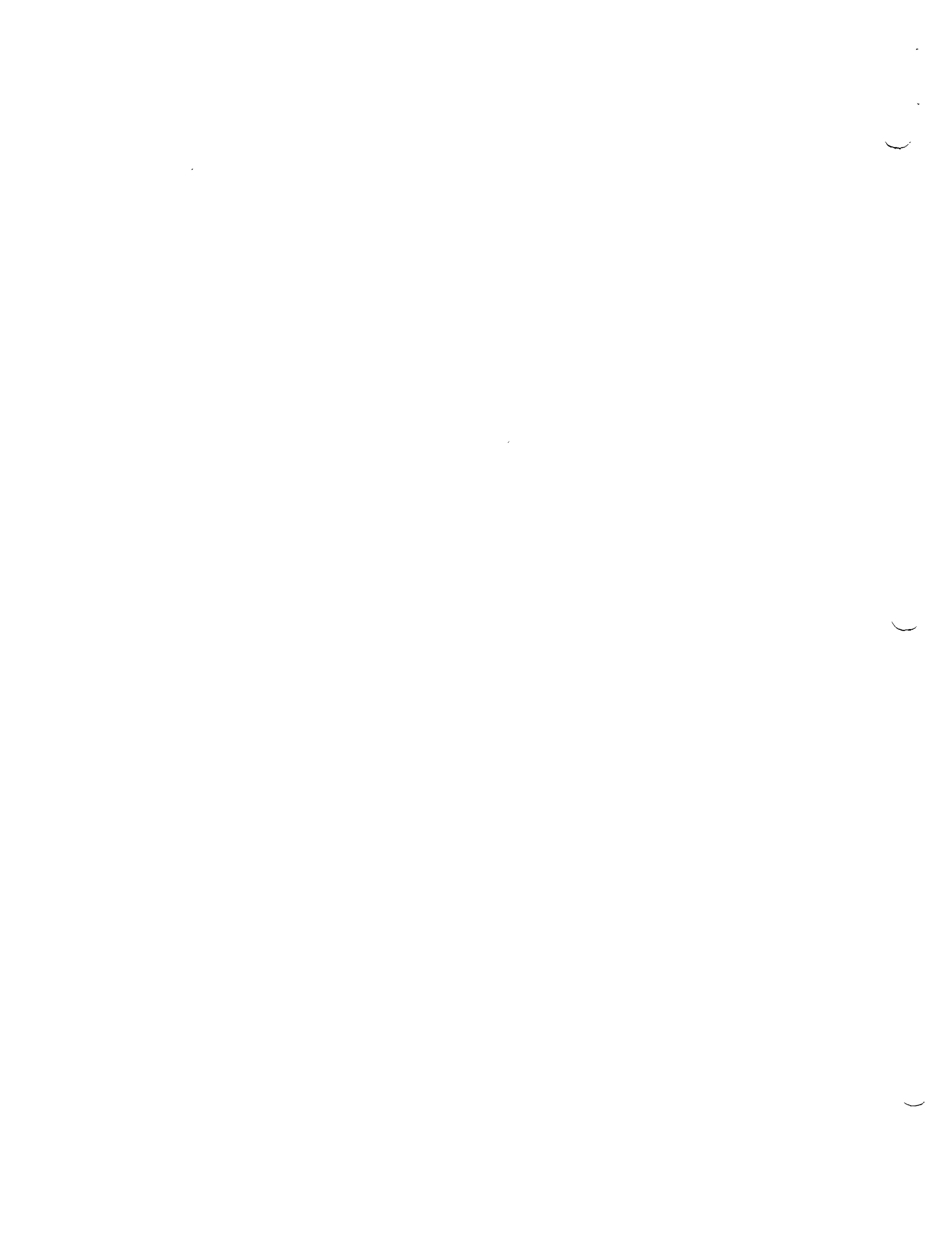
## IMPORTANT POINTS

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- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100,101,104,9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq. A brief summary is attached for your reference.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures





**BILL LOCKYER**  
Attorney General

State of California  
**DEPARTMENT OF JUSTICE**



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550  
Public: (916) 445-9555


Facsimile: (916) 323-2137  
(916) 324-5490

January 6, 2000

**FILED**  
In the office of the Secretary of State  
of the State of California

JAN 06 2000

Bill Jones  
Secretary of State  
1500 - 11<sup>th</sup> Street, 5<sup>th</sup> Floor  
Sacramento, California 95814

BILL JONES, Secretary of State  
By   
Deputy Secretary of State

RE: INITIATIVE TITLE AND SUMMARY  
SUBJECT: ELECTIONS. INTERNET VOTING, VOTER REGISTRATION  
AND INITIATIVE PETITIONS. INITIATIVE STATUTE.  
FILE NO: SA1999RF0055, Amdt. #1-S

Dear Mr. Jones:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed our title and summary to the proponent of the above-identified proposed initiative.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of service thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of service.

Sincerely,



DIANE CALKINS  
Initiative Coordinator

For BILL LOCKYER  
Attorney General

DC:ms  
Enclosures

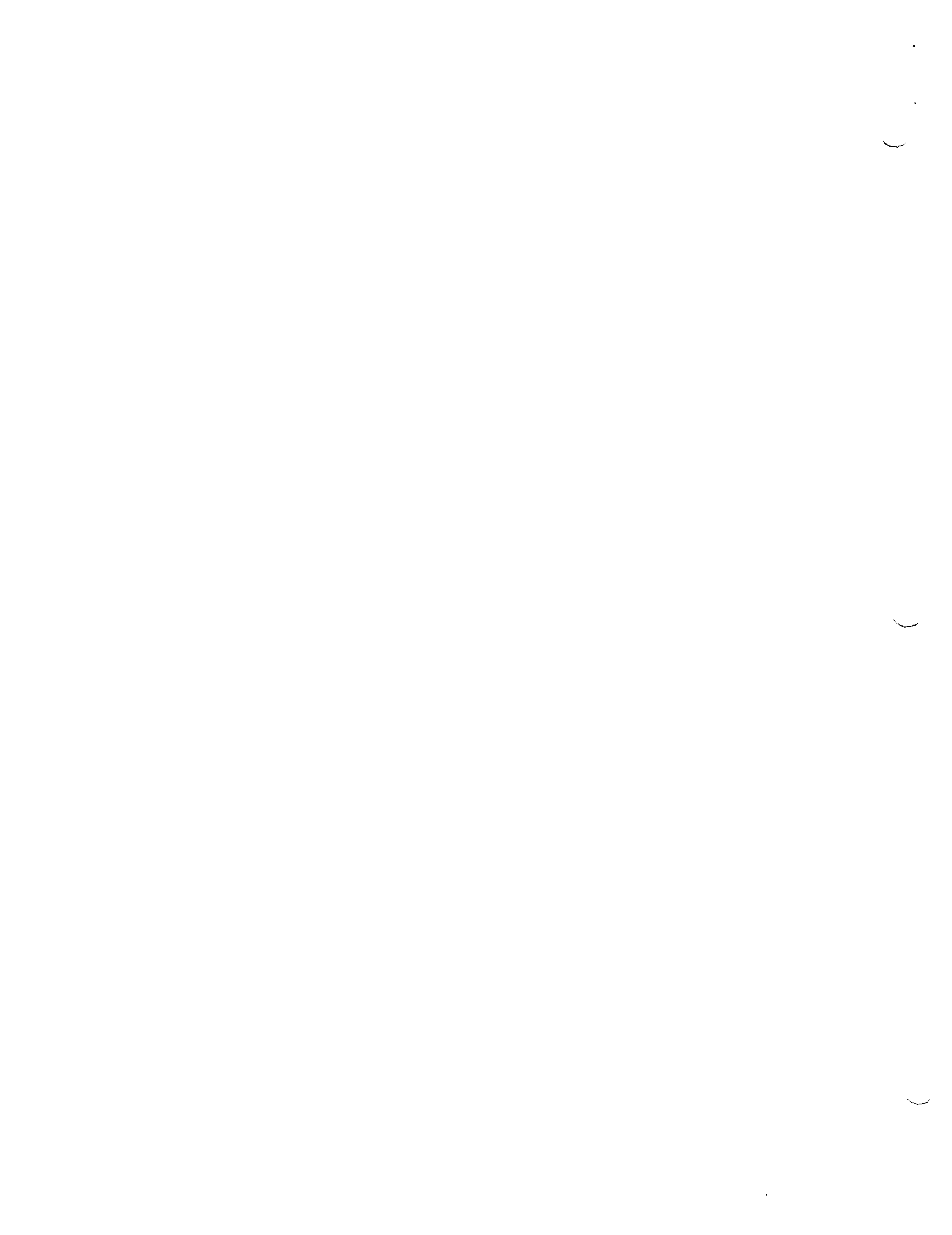


Date: January 6, 2000  
File No.: SA1999RF0055, Amdt. #1-S

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

**ELECTIONS. INTERNET VOTING, VOTER REGISTRATION AND INITIATIVE**

**PETITIONS. INITIATIVE STATUTE.** Requires Secretary of State to promulgate regulations by January 1, 2002, providing for a network system for the collection, storage, and processing of electronically generated and transmitted digital messages permitting electors, at their option, to sign any initiative petition, register to vote and vote in any election via the Internet. The system designated by the Secretary of State must be secure, provide reliable authentication of digital signatures, be accessible to the public over the Internet and be available for posting election returns for every election in California. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would result in one-time costs to the state in the range of tens of millions of dollars and ongoing annual costs ranging from millions to low tens of millions of dollars and ongoing net costs to local governments ranging from millions to tens of millions of dollars total annually statewide.



## The Living Constitution Society

November 16, 1999

Subject: Digital Elections Initiative

**RECEIVED**  
NOV 16 1999

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

To the honorable Attorney General of the State of California,

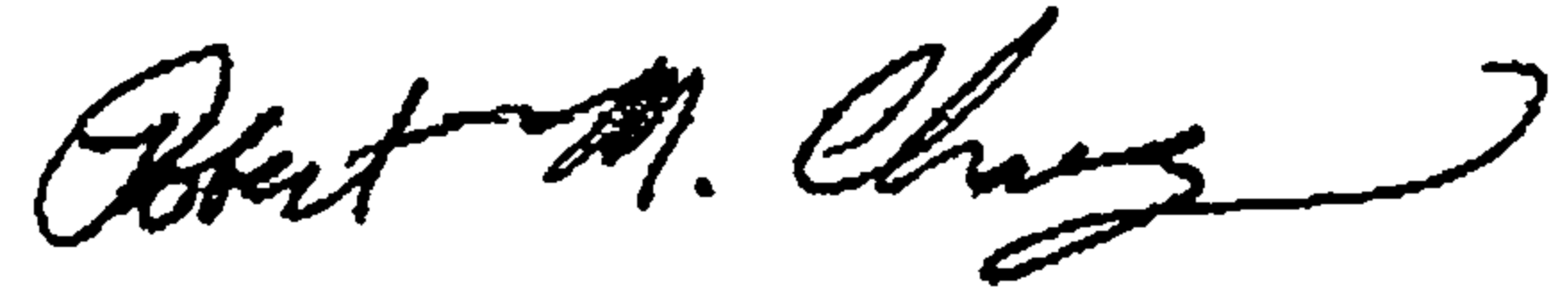
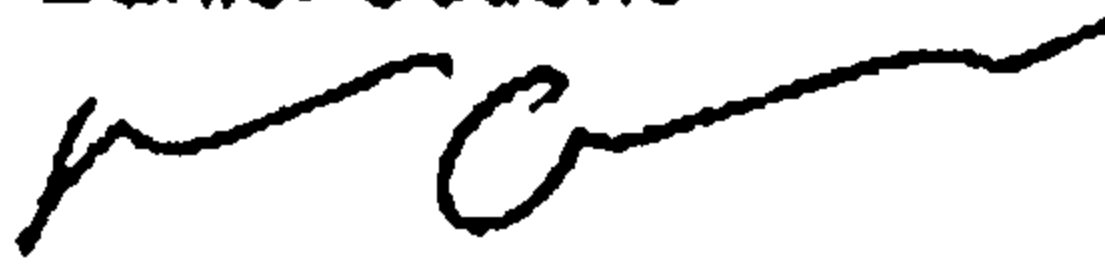
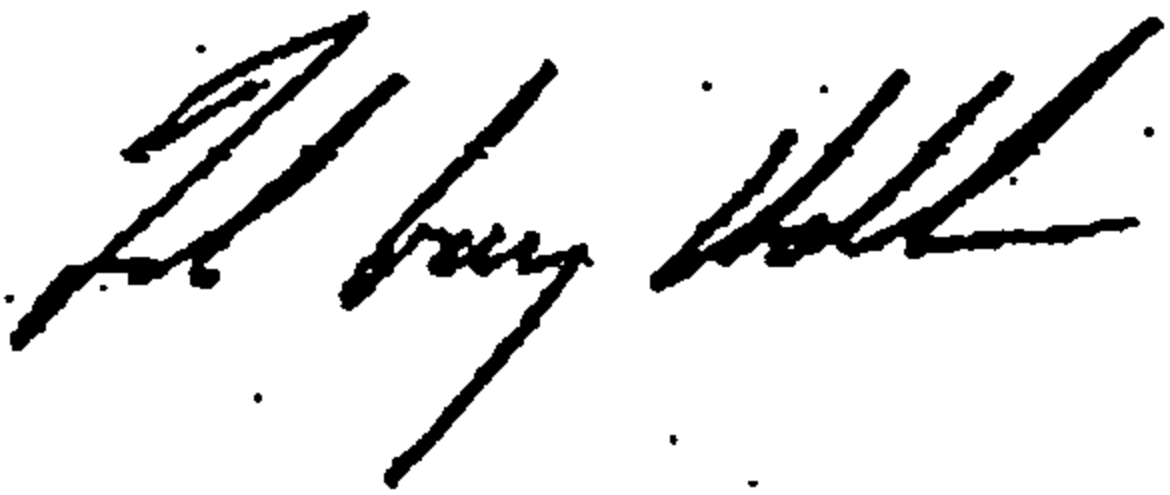
We the undersigned proponents of the Digital Elections Initiative hereby submit this Initiative on behalf of the People of California.

Respectfully,

Fred Gary Adler

Daniel Cedeno

Rober Michael Chavez





# The Living Constitution Society

November 16, 1999

Subject: Digital Elections Initiative

Initiative Measure To Be Submitted Directly To the Voters.

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

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

To The Honorable Secretary Of State Of California

We, the undersigned, registered, qualified voters of California, residents of \_\_\_\_ County (or city and County), hereby propose amendments to the Elections Code and the Government Code, relating to voting, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding election or at any special statewide election held prior to that general election or otherwise provided by Law. The proposed statutory amendments read as follows:









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

107. (a) The Secretary of State shall design, develop, and implement a digital network system for the collection, storage, and processing of electronically generated and transmitted digital messages that permits electors to sign any petition over the Internet, and register to vote over the Internet, and vote in any federal, state, municipal, local, county, or any electoral subdivision thereof, for elections over the Internet, in accordance with the following:

- (1) The identity of the person submitting a digital message shall be established, and the submission authenticated as being the communication of this identified person, by the use of that person's digital signature, as defined in subdivision (d) of Section 16.5 of the Government Code. The Secretary of State may approve thumbprint readers or other methods for establishing the identity of the person accessing the system if the secretary determines that the method is appropriate for the system and that the security of the system can be maintained if the method is used.
- (2) Each message shall be originated in an electronic device of a kind approved by the Secretary of State, if the message is readable by an industry standard digital file server that shall be designated by the Secretary of State as the state electoral server. The Secretary of State may approve any originating device if the secretary determines that the device is appropriate for the system and that the security of the system can be maintained if the device is used.





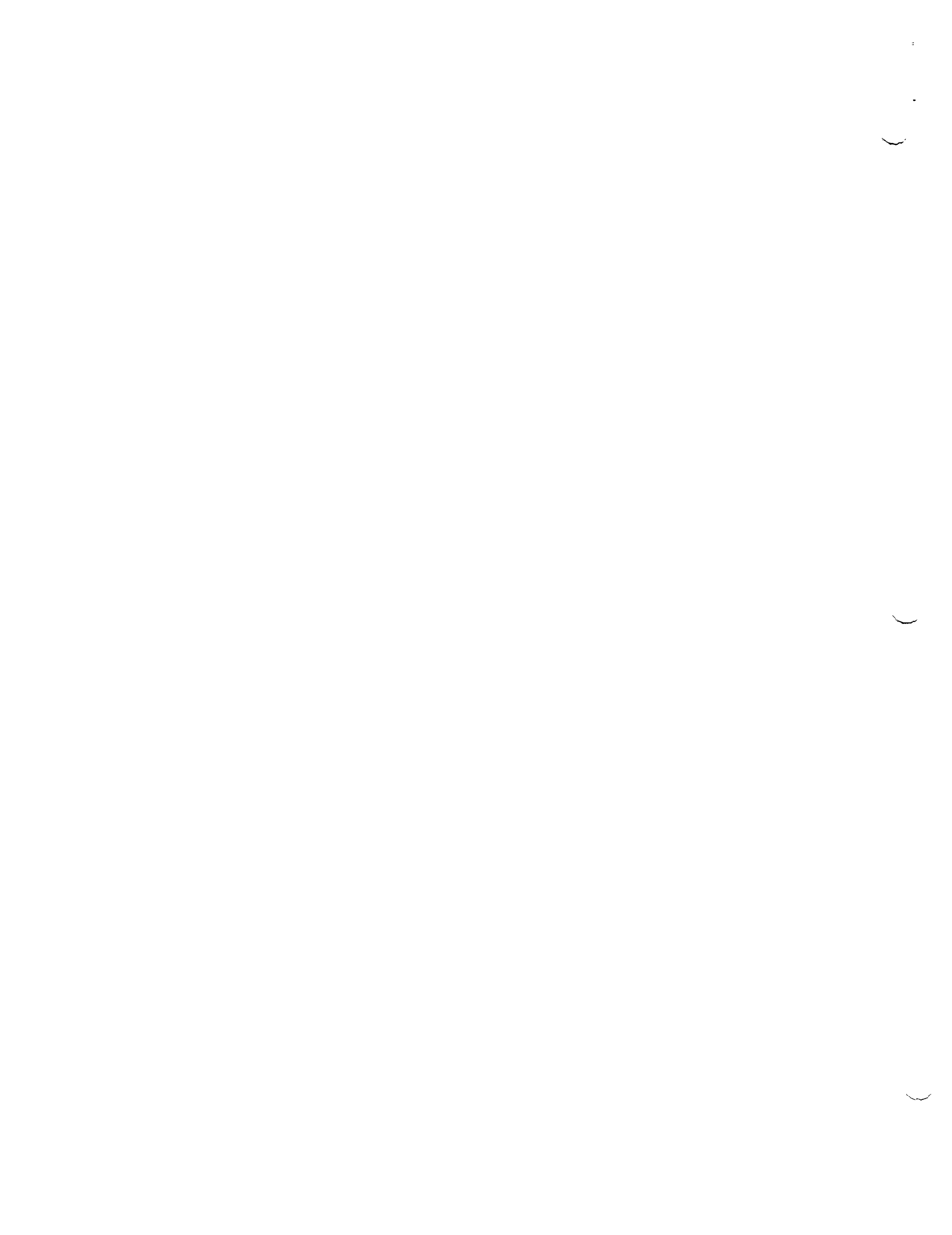


(3) The Secretary of State shall establish procedures for the collection, storage, and verification of digital signatures for the purpose of authenticating votes cast and signatures collected for a petition.

(a) No person may willfully do any of the following with regard to the system, described in subdivision (a) of Section 16.5 of the Government Code:  
destroy data in the system; interfere with the operation of the system; transmit false or inauthentic data through the system; or use the digital signature of another person to sign a petition or to vote in an election. Punishment for this criminal activity of felony voter fraud is pursuant to California Elections Codes Section 18500-18502. Upon enactment of this initiative, the Secretary of State shall determine, within two years after the enactment of this legislative piece, whether the severity of committing fraud with this new medium calls for revised penalties above and beyond the current statute.

(b) The Secretary of State will adopt a method for carrying out elections, from every electoral jurisdiction in California including but not limited to the state of California, every California county, charter cities, general law cities, community college districts and special districts, or any other state or federally funded public agency if the Secretary of State determines its use to be appropriate, as well as private computers held in, but not limited to, homes and offices. This method shall also provide for voter registration, so long as such registration fulfills the requirements above in Section 1, section 107(a).







- (c) The Secretary of State shall make space available on the state electoral server to display vote tallies for every local, state, and federal candidate(s), including write-in candidate(s), and measures that are to be voted on in each election. Generally accepted industry standards shall be ascertained and employed in providing the voting information, and in making it accessible through public computer networks and online services pursuant to this subdivision.
- (d) As new technologies and technological methods emerge, the state shall increase the access and availability of voter registration and relevant voting information. The state shall also assess, and if approved, implement in a timely manner, as determined by the Secretary of State of California, or future election(s) by the People of California, tools and methods that increase a voter's right to pertinent information such as, but not limited to, that mandated by The Online Disclosure Act of 1997, SB49.



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(e) The Secretary of State shall research, design, develop, purchase, and deploy the hardware, software, network resources, and training for his or her staff, and the general public as necessary to implement this section. The Secretary of State may contract with one or more private vendors to provide all or part of the data collection, storage, processing, encryption, decryption, authentication, and network resources required to implement this section. The system shall also allow for the recounting of ballots on all elections contained within. Once implemented the system must be accessible for an audit from an accounting firm or firms for ensuring the integrity of the system.

(f) All elections conducted over the digital elections network system may be accessible via the Internet from any approved platform from anywhere including but not limited to the home or office. For this measure, the Internet means the global network of networks originating from the ARPANET project.

(g) This measure does not eliminate traditional polling centers as an option for casting votes.

(h) The voter shall be able to authenticate their identity from any approved originating device using the Internet, once the Secretary of State has approved an appropriate method.





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- (i) The Secretary of State is allowed to perform the needed tests with an independent company or companies before the system is used. The Secretary may require that the owner of the tested technologies will have to bear the costs associated with testing.
- (j) Once the Secretary of State has concluded that the net-based system is safe for use, then the system will be used at the following general election.
- (k) The Secretary of State shall determine how the state and counties will be responsible for the tabulation of digital elections results and must create a method for adding all votes cast digitally with other offline, traditional, approved methods of tabulation.
- (l) Nothing in this provision shall be construed to mean that citizens may not cast their votes via traditional voting methods.
- (m) Access to publicly held entities providing digital voting shall be accessible to all voters consistent with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec 12101 et seq.).
- (n) Voter anonymity shall be protected using a double-blind mechanism, in order to adhere to the State and Federal right to privacy.
- (o) The system server shall provide, according to standard internet protocol for verifying user input, the method for a digital voter to confirm their cast vote, after which their vote is unchangeable.







(p) The Secretary of State shall determine the appropriate method in which the county and state officials will implement the system.

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

3024. A qualified California voter may register to vote and vote in any election by means of the digital network system which is accessible via the Internet so long as the platform for voting meets the minimum requirements for identification and verification set forth by the Secretary of State.

(a) A California citizen may access the elections system from the beginning of the absentee ballot voting period up until the same time period when votes are to be cast at the polls in the election.

(b) The voter, once engaged in the digital voting process, and having cast at least one vote, is bound by this action to complete the voting process as per traditional voting method.

SEC. 3. Section 13102 of the Elections Code is amended to read:

13102. (a) All voting shall be by ballot, or by the digital network system specified in sections 107 and 3024. There shall be provided, at each polling place, at each election at which public officers and ballot measures are to be voted for, one form of ballot for all candidates for public office, listing all candidates for public office, in accordance with subdivision (b), directly below.

(b) At each primary election, each voter shall be furnished an official primary ballot. The official primary ballot shall contain the names of all candidate(s) for







nonpartisan and partisan offices and measures to be voted for at the primary election.

(c) This ballot shall contain a text area for inputting write-in votes.

SEC. 4. Section 16.5 of the Government Code is amended to read:

16.5 Section 1:

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

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



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(e) It conforms to regulations adopted by the Secretary of State. Initial regulations shall be adopted no later than January 1, 2002. If more than one voting initiative is ratified at the same general election concerning the adoption of adequate regulatory standards and procedures, then it will be up to the Secretary of State to determine a reasonable time period for implementation. In developing these regulations, the secretary shall seek the advice of the public and private entities, including, but not limited to, the Department of Information Technology, the California Environmental Protection Agency, and the Department of General Services. Before the secretary adopts the regulations, he or she shall hold at least one or more public hearing(s) to receive comments.

16.5 Section 2:

The Secretary of State and all county elections officials shall permit the use of digital signatures for the purposes of petition signing of all types allowed by the Elections Code and the California Constitution. Except as specified in this subdivision, nothing in this section shall require a public entity to use or permit the use of a digital signature.

(a) Digital signatures employed pursuant to Section 71066 of the Public Resources Code are exempted from this section.

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









SEC. 5 of section 107 shall read: The provisions of this measure are severable. If any provision or subsection of any provision of this measure or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.



