

CHAIR

STEVE PEACE

VICE CHAIR

DENISE MORENO DUCHENY

SENATE

MAURICE K. JOHANNESSEN
PATRICK JOHNSTON
TIM LESLIE
JACK O'CONNELL
RICHARD G. POLANCO
JOHN VASCONCELLOS
CATHIE WRIGHT

ASSEMBLY

ROY ASHBURN
TONY CARDENAS
JIM CUNNEEN
FRED KEELEY
CAROLE MIGDEN
GEORGE RUNNER
RODERICK WRIGHT

December 28, 1999

Hon. Bill Lockyer
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Diane Calkins
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative cited as the "Digital Elections Initiative" (File No. SA 1999 RF 0055, Amendment No. 1-S).

Proposal

This measure would require the Secretary of State to establish a computer system that would allow any eligible voter to use a private computer or other device in an individual's home or office to sign any state or local petition, register to vote, and vote in all elections for public office within California through the use of electronically transmitted messages. The initiative would direct the Secretary of State to design, develop, and implement a computer system for the collection, storage, and processing of such messages for petition-gathering, voter registration, and voting. These new procedures would be in addition to the traditional existing electoral procedures.

Under this measure, the identity of the person signing a petition, registering to vote, or voting in an election would be authenticated through the use of that person's "digital signature." A digital signature is a unique and verifiable electronic identifier, created by

computer, which is intended by a signer to have the same legal force and effect as a handwritten signature in official communications with public agencies. Additional verification procedures, including the use of devices that can verify an individual's thumbprint, could also be required.

The Secretary of State would adopt the procedures for elections officials to follow to carry out this measure, and would also determine the specific electronic devices that could be used by citizens for these purposes. Voting by electronic means would be permitted during the same time that absentee voting is permitted as well as on election day. Using the computer system to fraudulently sign a petition or vote in the name of another person, or interfering with its proper operation, would be a felony crime.

Fiscal Effect

This measure would result in significant one-time costs to the state, potentially amounting to several tens of millions of dollars, for the initial establishment of the computer systems and the adoption of election-related procedures by the Secretary of State as required under this measure. Ongoing costs for the maintenance and operation of the system by the Secretary of State would potentially range from the millions of dollars to the low tens of millions of dollars annually.

Ongoing local government costs for the implementation of this measure would potentially range from the millions to tens of millions of dollars annually on a statewide basis. Offsetting savings from further automation of election-related procedures would probably not be significant because existing traditional procedures would be continued.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

B. Timothy Gage
Director of Finance