Abstract - <u>Open Source Democracy 2.0</u>

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Internet / Democracy Dilemma

Why hasn't the Internet transformed our democracy the way it has transformed every other transactional activity in modern society? And why is democratic governance the *only* thing that has not been transformed? Everything else around us has been made more efficient, or more convenient, or more competitive by the Internet. Everything except democracy.

This riddle has been addressed in academic circles for years now. One oft-cited theory is that the Internet *has* transformed our democracy – but rather than improving it, the transformation has been negative. On this view, the fake news and cheap speech spawned by social media and other Web technologies have diminished the control that political parties wield over their elected members, disrupting compromise and fueling partisan conflict.

This essay proposes a simpler, alternative explanation: the Internet hasn't transformed democracy only because the right application hasn't been created.

Described herein, and demonstrated at an accompanying beta website, is an example of an Open Source Voting (OSV) platform – a non-partisan, Internet-based voting venue that has the potential to solve the problem of partisan politics (!) in democratic governance.

Open Source Voting can alter the current political landscape by imposing the will of the majority on existing partisan institutions. This new political power center is created when an OSV platform hosts issue-specific referenda that are already known (by polling or other quantitative methods) to be supported by a passionate majority of the electorate. Utilizing a form of vote futures (similar to commodity futures on Wall Street), these referenda are worded in a way that forces elected officials to act, in real time, on issues and policy matters chosen by the website's non-partisan host.

In this scheme, the individuals who control the OSV platform and determine what referenda are to be hosted there will wield enormous new political power, power that can override existing partisan institutions and even force the impeachment of individual elected officials.

Open Source Voting doesn't compete with established political parties as much as render them irrelevant. Following a classic Internet disruption pattern, OSV platforms disintermediate the democracy marketplace by bypassing middlemen (political parties) and giving consumers (voters) direct access to their elected representatives.

Open Source Voting is versatile and scalable. It empowers majorities at the local, state and national levels, and overlays existing democratic institutions without requiring any change in, or authorization from, such institutions.

Open Source Democracy 2.0

Various prophets of cyberspace have predicted that the World Wide Web will at some point transform our democracy the way it has transformed every other transactional activity in modern society. They foresee the emergence of some type of Web-based mechanism or venue that will fundamentally alter our democracy as we know it today.

One thinker in this realm is Doug Rushkoff, whose book Open Source Democracy (Demos, London, U.K., 2003) posits an analogy between computer software and the mechanics of democracy. He describes a computer program as a set of rules that defines how a computer processes input (data entry), and invites us to compare this to a democracy, where a set of rules (election laws) defines how the system will process input (votes). He then extends the analogy further by citing the advantages of open source computing, i.e. software written through the interaction and participation of many people works better than proprietary software created in a central planning environment. In this context, Rushkoff asserts, our democracy should be able to benefit from a similar open source renaissance – courtesy of the "emergent and participatory" properties of the Internet. This transformed democracy will result in the "redesign of political institutions in a way that enables new solutions to social problems to emerge as the result of millions of interactions. In this way, online communication may indeed be able to change offline politics." (Foreword to *Open Source Democracy* by Douglas Alexander, MP)

What Rushkoff does not offer in *Open Source Democracy* is a description of these redesigned institutions. What will this new-and-improved democracy look like? How would it work? What would its impact be? How would it remedy the numerous flaws that are so debilitating, and yet so entrenched in our existing closed-source institutions?

Picking up where Rushkoff leaves off, this essay describes an innovative Internet-based voting venue that has the potential to bring any democracy into the age of the Internet.

Open Source Voting
An Open Source Voting (OSV) platform is any web-based venue where citizens who are registered to vote in regular candidate elections can use their vote in real time to express themselves on specific issues they feel strongly about.

The simplest application to host on an OSV platform might be a traditional petition:

> "I'm a registered voter and I support passage of the Women's Reproductive Health Rights Act."

If such a petition were signed (online) by a substantial majority of voters in a given jurisdiction, it would send a clear signal to elected representatives that this is an issue their constituents want addressed. Of course the greater the quantified majority, the more compelling the petition.

Consider now the implications of using the OSV platform to host the same referendum in the following "Future No Vote" format:

> "I'm a registered voter and I promise I won't vote for any candidate in the next election, from any party, who doesn't support passage of the Women's Reproductive Health Rights Act."

When applied to an issue that is already known to be supported by a passionate majority of the electorate, this Future No Vote (FNV) mechanism produces a completely new political power center – representing the will of electoral majorities — that has the potential to supersede partisan politics and bypass the gridlock that is a hallmark of many modern democracies.

As innocuous as this FNV application may seem at first, when properly deployed it can bring any democracy (not just the U.S.) into the age of the Internet.

Future No Vote

A Future No Vote is a voter's good-faith commitment to not vote for any candidate who doesn't support a clearly defined political option:

> I'm a registered voter in jurisdiction X, and I don't plan to vote for any candidate in the next election, from any party, who doesn't support Proposition Y.

Each issue-specific FNV Campaign (referendum) displays publicly the number of registered voters who have committed their future vote to Proposition Y, in a manner similar to a traditional petition. FNV Campaigns, however, alter the partisan political landscape in ways that petitions cannot. When a quantified majority of voters in a given jurisdiction commit their future candidate vote in this way, it has far-reaching implications for all stakeholders in the democratic process – voters, current officeholders, aspiring candidates, and issue advocates:

1. Nothing focuses a politician's attention like the threat of losing the next election. It's one thing to say to a politician you support an issue (petition); it's another to say you won't vote for anyone who doesn't support it. Michael Bloomberg describes this as a core tenet of local politics in his book *Climate of Hope* (p. 38: *If you live in a city where your asthmatic child keeps ending up in the hospital and the city next door has cleaner air, you might call your mayor and say, "I'm not going to vote for you again unless you do something to address this."*) A petition is a plea; a FNV Campaign is an ultimatum.

2. When a FNV Campaign is devoted to an issue that is known in advance to be supported by a passionate majority of the electorate, the goal of the Campaign might be achieved fairly quickly — courtesy of social media and messaging technologies, and the fact that FNV voters can vote from their smartphone or tablet at any time, without having to wait for the next candidate election. In the Arab pro-democracy uprisings of 2011 ff, social media apps enabled activists to assemble politically united majorities on very short notice, within days or even hours.

3. The existence of a quantified, public majority provides "cover" for elected officials to vote (legislatively) with their constituents when the FNV issue is opposed by lobbyists and other money sources

4. Voter reluctance to tie their future candidate vote to a single issue is counterbalanced by the prospect of using FNV votes multiple times, to address numerous issues. When this key point is understood, many voters may conclude that FNV voting actually magnifies the power of their one candidate vote when it comes to election day.

5. Each FNV Campaign is responsible for monitoring and reporting the policy positions of the relevant elected officials and candidates. On candidate Election Day, FNV voters can consult their private Democracy Dashboard at the OSV website to learn what candidates they can vote for based on their prior FNV commitments, or they can simply opt to receive an email or text with the same information. If more than one candidate qualifies, FNV voters can use any secondary criteria they wish -- candidate bio, party affiliation, coin toss -- to sway their decision, knowing that whomever they choose will do what they want done.

6. Because FNV Campaigns provide this alternative, non-partisan basis for deciding who to vote for, it gives citizens the effective ability to vote for *what* they want, rather than who they want. Under this scheme FNV voters no longer even need to know the names of the candidates (much less their party affiliations) in advance of an election. They can, if they wish, ignore the partisan political sphere entirely – a feature that may have particular appeal for those who have become disenchanted with the choices offered and outcomes produced by the two-party system.

7. Open Source Voting may also attract the attention of citizens who aren't currently engaged in democratic governance, because FNV Campaigns make it possible for them to vote for what they want, without requiring any engagement in the partisan political theater (other than voting mechanically for an app-approved slate of candidates on election day).

These and other unique characteristics of the FNV paradigm are explored in detail below. To illustrate how this new voting application might work in a real-world environment, the author has created a prototype multi-issue OSV platform at www.american-majority.org. Utilizing this beta site as a reference point, the remainder of this essay will address the following aspects of the FNV concept.

Issue Vetting & Selection
FNV Campaign Governance
Issue Resolution & Disposition
Scalability
Data Integrity & Validation
Potential Impact
Origin

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Issue Vetting & Selection
By definition a FNV campaign can only achieve success by attracting a quantified majority of voters in a given jurisdiction, so the universe of prospective FNV issues is inherently limited to those that (a) are known (via polling or other quantitative methods) to have potential for passionate majority support; (b) are easily recognizable and understood by people who are new to the issue; and (c) can be expressed succinctly in the required double-negative FNV format.

The American Majority Party (AMP) beta website hosts three nationwide (federal) FNV campaigns, each of which meets the criteria specified above. The first two are issue-specific, relating to women's reproductive rights and gun control:

> "I'm a registered voter and I don't plan to vote for any candidate in 2024, from any party, who doesn't support passage of the Women's Reproductive Health Protection Act."

> I'm a registered voter and I don't plan to vote for any candidate in 2024, from any party, who doesn't support legislation requiring states to register and license firearms in a manner comparable to their regulation of cars and trucks."

In the real-world political climate of 2024, most polls show these two issues enjoy 60%+ majority support (depending upon how the question is framed).

The third FNV campaign on the AMP website employs the same future vote format but operates differently, by seizing control of a constitutional apparatus:

> I'm a registered voter and I don't plan to vote for any candidate for Congress in 2024, from any party, who does not support the immediate impeachment and conviction of Supreme Court Justice Clarence Thomas."

Because this third campaign is not an issue in the classic sense, there is little pre-existing polling data that indicates how this FNV Campaign would fare. It is not unreasonable to infer, however, that the passionate majorities supporting the first two issues would also support this (or a similar) initiative.

In its generic form . . .

> "I'm a registered voter and I don't plan to vote for any candidate in the next election, from any party, who doesn't support the impeachment and conviction of [name of elected official]."

. . . this variation on the FNV Campaign yields the equivalent of the "vote of no confidence" that is a defining feature of parliamentary democracies. The primary reason for including this proposition in the initial set of three FNV Campaigns is to demonstrate to the voting public that they now have the real time ability to remove non-performing government officials.

In this context it becomes self-evident how Open Source Voting and FNV campaigns can supersede the partisan gridlock that paralyzes our democratic institutions, by using the mechanisms of democracy itself to impose the will of the majority. Note that this approach requires no change in, or authorization from, existing institutions. By way of analogy, Open Source Voting can be seen as a new operating system for our democracy, one that allows

users (voters) to continue working with the same applications they're used to, but gives them access to new applications that work better than the old ones.

The origination, vetting and selection of new (national) issues on the AMP website is organized along open-source lines. Registered voters who have pledged their future candidate vote in at least one FNV campaign can volunteer to participate in one or more AMP issues subcommittees. These issue subcommittees are led by volunteer moderators. Moderators will have access to innovative survey tools that will enable them to consolidate similar propositions and maximize the consensus of the subcommittee members (who may number in the thousands).

When a subcommittee achieves consensus on the wording of a new FNV Campaign, the moderator will submit it to the AMP's Issues Committee, which maintains a queue of vetted, pending campaigns. The Issues Committee ultimately decides which issues get promoted to the top, and when.

The AMP platform is currently configured to display only three national FNV campaigns at any given time. When a successful campaign is removed, the Issues Committee would decide which of the pending FNV Campaigns to activate. The pending campaigns on the AMP beta website should be considered placeholders, i.e. examples of issues that might fulfill the FNV qualifying criteria described above.

In a democratic landscape where an OSV platform like the American Majority Party has proven its ability to influence candidate elections and is in full-fledged competition with existing political parties, its Issues Committee could wield considerable influence by virtue of its control of this roster of active FNV campaigns.

Issue Committee Governance
The core innovation of the FNV Campaign is that it empowers democratic majorities by establishing a transparent, public link between voters and their elected representatives with respect to specific issues. If FNV campaigns can in fact override the democratic and partisan institutions that serve to protect the interests of minorities, the question of who controls the FNV campaigns becomes significant (cf. the French Revolution and other instances of abusive majority rule). For example, in the voluntary open-source environment envisioned, would it not be possible for an issue subcommittee to be commandeered by a demagogue who could turn a FNV campaign into an instrument of mob rule?

The hypothetical American Majority Party has no legal organizational structure, however the integrity of the proposed issues subcommittees could be addressed and assured in a two-step process:

(1) At the subcommittee level, In order for any issue to be considered for a FNV campaign, it must meet the three qualifying criteria (a), (b), and (c) defined above (under Issues Vetting & Selection). The subjective application of these criteria will be controlled by each subcommittee's peer-elected leaders, however their ideological perspectives are irrelevant because by charter the subcommittees are mandated to consider only FNV campaign proposals that have demonstrable majority potential. A majority of the subcommittee's members is not enough: the subcommittee must present concrete evidence (from polling or other quantitative methods) that a clear majority of all voters

would passionately support the proposed FNV campaign.

(2) After passing through the subcommittee vetting process, all proposed FNV campaigns must then be approved by a separate executive Issues Committee, which operates under the same charter constraints as the subcommittees.

Issue Resolution / Disposition

Once an issue with passionate majority potential has been vetted, approved and listed as an active FNV campaign, supporters of the effort will still face the same challenges that every other political initiative faces: building public recognition and awareness for the issue, lobbying for official endorsement and support, fundraising to support these efforts, etc. While these barriers are certainly present for all such efforts, FNV campaigns are custom-made to benefit from the "emergent and participatory" (i.e. viral) properties of the Internet. As has been demonstrated in numerous democratic uprisings around the world, social media and messaging technologies can generate issue-specific majorities very quickly. It's also reasonable to anticipate that within a given jurisdiction the first successful FNV campaigns will gain the electorate's attention and make it easier to achieve majority critical-mass in later efforts.

Once the legislative or policy change called for in a FNV campaign has been enacted, that campaign is closed down and all citizens who pledged their vote in support of the campaign are notified via email that the objective has been achieved.

Scalability

As envisioned at the AMP website, each FNV voter would have log-in access to a personalized "Democracy Dashboard" that provides tools for initiating and participating in FNV campaigns at the local, state and federal levels. This tool might be utilized, for example, by a passionate local (municipal) majority to oppose a specific real estate development that they believe threatens the character of their jurisdiction.

Appendix A displays *pro forma* aggregate results of a statewide FNV campaign focused on gun control. As illustrated in the footnotes to the Appendix, sponsors of FNV campaigns can use real-time FNV results to assess which jurisdictions are competitive and can benefit from targeted campaign resources, and which districts are not competitive and don't warrant extensive campaign investment.

It is important to note that In competitive districts where a FNV Campaign's results indicate a plausible chance of achieving a majority, the effort to solicit additional votes needn't rely on a strategy of convincing partisan opponents to change their minds. FNV Campaigns in many cases (depending on the issue) may appeal to citizens who are strongly motivated by the issue but not currently registered to vote. (cf. Potential Impact below, *Increased Voter Participation*).

Data Integrity and Validation

The effectiveness of FNV campaigns will depend (among other things) on a perception by voters and politicians that the vote tallies displayed at FNV campaign websites are real: that the people who have signed up and pledged their votes in FNV campaigns are actual registered voters and not robots or fraudsters or accidental duplicates.

The AMP beta site is currently functioning on a partial honor system (this framework can be adjusted if experience suggests a different approach is required.) On-line visitors who state

that they are registered to vote and provide their voter registration address can pledge their future candidate vote to one or more issues-specific FNV campaigns hosted at the AMP website. Standard CAPTCHA methods and verification protocols are used to prevent fraudulent or robotic registrations.

In actual operation, to assure the integrity of its reported FNV pledges, AMP would organize a regimen of regular sampling verification, in which one of every X number of registered users would be manually validated by comparison with public voter registration rolls. Using consistent and transparent sampling techniques, the integrity of the user base can be assured within a relatively small margin of error. Should the sampling reveal a higher rate of fraudulent participation than desired, the frequency of sampling can be increased until the desired standard is met.

In the aftermath of the 2020 presidential election, the integrity of the voting process itself came under direct attack from the losing candidate. Although no evidence of voting irregularity has been uncovered on any scale, the allegations have given rise to a widespread distrust in democratic processes.

In an effort to counter such perceptions, FNV campaigns (and the AMP website) would employ Electronic Receipt Voting and Blockchain technologies to provide maximum transparency in the platform's operations. Eventually voters could restore similar confidence to candidate elections, by supporting an NVP campaign that requires all candidate elections to utilize similarly transparent voting technologies and protocols.

Potential Impact
If Open Source Voting succeeded in empowering the electorate to assert direct control over specific issues and became a mainstream feature of the American political landscape, what impact might it have on our democracy?

While acknowledging there may also be unintended consequences, the following potential trends/outcomes seem plausible if not likely.

Increased Voter Participation
According to the US Election Project at the University of Florida, about 108 million voting-age citizens stayed away from the polls in the 2016 US election (46.9% of 231 million eligible voters).

There are multiple reasons people choose not to vote. Some citizens don't want any involvement in civic life (e.g. they don't want to be called to serve on juries) and so don't register to vote. Others might be willing to become involved, but don't want to have to learn about the various candidates in order to make an informed voting decision. Others are driven away by the torrents of attack advertising that blanket the media during election season. A common perception among many non-voters is that politicians say what they have to say to get elected and then proceed to do what their major campaign donors want. There's no trust, and no accountability, so why bother?

FNV voting may appeal to individuals who have not voted in the past because it doesn't require any ongoing awareness of, or involvement in, partisan politics, On election day the FNV application identifies for FNV voters which candidates they can vote for based on the issue(s) they've pledged their vote to.

FNV voting also offers accountability: when an issue-specific FNV campaign is successful (i.e. the legislative proposition has been enacted), the FNV voter knows his/her vote has been counted and has made a difference. There is measurable progress. The AMP website provides a side-by-side analysis of the relative merits of FNV voting compared to traditional candidate voting.

If the availability of FNV voting produces even a modest uptick in voter participation, the political landscape could shift in various ways. One example: increased enfranchisement in congressional districts that have been gerrymandered for decades could shift the balance of voting power enough to make elections competitive again.

Overcome Special Interests
Elected officials (in Congress and elsewhere) are cautious about offending their money sources, so in legislative battles they sometimes vote "with the money" even when their conscience or their constituents suggest otherwise. If a sitting politician can show via the AMP website that a majority of his constituents support a certain issue, it provides "cover" for legislative votes that are unpopular with his/her money sources.

Alternative to Two-Party System
The two-party system has dominated American democracy since the republic's founding, but it doesn't exist by virtue of any constitutional prescription or other mandate. Partisan politics was in fact a subject of concern to the nation's founders. John Adams, prior to becoming the nation's second president, said:

> "There is nothing which I dread so much as a division of the
> republic into two great parties, each arranged under its leader, and
> concerting measures in opposition to each other. This, in my
> humble apprehension, is to be dreaded as the greatest political evil
> under our Constitution."

George Washington echoed these sentiments, with considerable detail and elaboration, in his 1796 farewell presidential address. In his classic 1834 treatise *Democracy in America*, Alexis de Tocqueville dedicated an entire chapter to the corrosive effect of partisan politics on democratic governance.

Yet with all its flaws the two-party system continues to dominate our political landscape -- possibly because the electorate has never been presented with any other alternative. Open Source Voting represents exactly this: an alternative, non-partisan basis for deciding who to vote for.

Whenever a new competitor enters an old market with a product that's easier to use and delivers better results, the established players are forced to change. Traditional political parties will either come up with something that competes effectively with FNV campaigns, or they will fade in influence and appeal.

Origin
Neal Rechtman is an American author and historian of Louis D. Brandeis, the Supreme Court justice of the last century. Rechtman credits author Doug Rushkoff *(Open Source Democracy*, 2003) for posing the question: why has the Internet not had the same transformative effect on democracy as it has had on everything else? He then credits Louis Brandeis for leading him to the answer.

In the early 1900s, as a public interest lawyer, Brandeis pursued the insurance industry for its door-to-door sales of term-life policies to urban industrial workers. The policies were of little value and insurance company executives were lining their personal pockets with the huge profits being reaped. Just months after being exposed the insurance companies resumed their corrupt practices, and Brandeis countered by inventing, from scratch, what is still known today as Savings Bank Life Insurance.

In the modern lingo, Brandeis invented a new "app" that gave the working poor a different way to buy life insurance, using a channel that completely bypassed the established industry. Along similar lines, the Future No Vote application gives citizens an alternative channel for communicating with their elected representatives, bypassing completely the established political parties and monied special interests.

Conclusion
Only future events can prove or disprove the validity of the FNV concept. Will citizens who are accustomed to voting just for candidates be able to embrace a totally new democratic operating system, a form of derivative voting, and use it to effect fundamental changes in democratic governance? Rushkoff for one seems optimistic (*Open Source Democracy* p. 64-65):

> "The new transparency offered by the interactive mediaspace makes information available to those who never had access to it before. Access to media technology empowers those same people to discuss how they might want to change the status quo. Finally, networking technologies allow for online collaboration in the implementation of new models. In a sense, the people are becoming a new breed of wonk, capable of engaging with government and power structures in an entirely new fashion.

> "This marks a profound shift in our relationship to law and governance. We move from simply following the law to understanding the law, to actually feeling capable of writing the law: adhering to the map, to understanding the map, to drawing our own."

Appendix A

Statewide FNV Campaign Status

The following is a *pro forma* display of the aggregate results of a statewide FNV campaign focused on gun control.

FNV Campaign

"I'm a registered Texas voter and I don't plan to vote for any candidate for statewide office in 2022, from any party, who does not support passage of the Sensible Gun Control Act."

	Registered Voters	Majority Threshold	Future No Votes Pledged
Texas House			
District 1	80,250	40,125	36,888 *
District 2	88,488	44,244	25,265 **
District 3	78,980	39,490	43,555 ***
Etc. to 150			
Texas Senate			
District 1	422,100	211,050	199,985 *
District 2	456,202	228,101	163.561 **
District 3	402,318	201,159	285,221 ***
Etc. to 31			

* FNV total is within reach of the majority threshold, suggesting to issue advocates that they can effectively focus campaign resources in this district.

** FNV total is significantly less than the majority threshold in this district, suggesting to issue advocates that they not expend significant campaign resources in this district.

*** FNV total exceeds the majority threshold, notifying elected representatives they must act on the issue or face removal at the next election.