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# Digital Democracy Is Coming to the Maine Legislature

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by Joseph Carleton

*Although Maine's information infrastructure is several years ahead of the nation in development, Maine ranks only 41st out of 50 states in its "Digital Democracy"; that is, its use of new telecommunications and information technologies to permit greater citizen access to laws, legislators and the state's legislative processes. In this article, Rep. Joseph Carleton outlines the changes underway in the Maine Legislature that will result in greater digital democracy throughout the state. Indeed, through advances such as e-mail, the Internet, and other digital forms of communication, Carleton envisions new ways of doing business both for legislators and citizens. However, in discussing the effects of such changes, Carleton poses some tough questions: Will e-mail improve the efficiency of communications between legislators and constituents, or will it become an outlet for mass advocacy campaigns that unnecessarily burden legislators with hundreds of messages daily? Will electronic discussion sites improve consensus-building, or will they strengthen the ability of fringe groups to temporarily coalesce and, therefore, block the wishes of the majority? Will the Internet improve legislators' access to independent and objective information, or will it not? Carleton concludes by noting that digital democracy not only will change how legislators do their work, but has broader implications for democracy as well.*

## **A Day in the Life of Mary Smith, State Representative**

*A Sunday evening, May 2001, 7:00 p.m.*

First-term state representative Mary Smith is enjoying a quiet moment before the start of another week at the State House. In the morning she will rise early, feed the kids and send them off to school, then hit the road for Augusta. It will be a busy week, and while she has time this evening, she decides to do some preparation. Sitting at her desk at home, she logs into the State House computer system to see what the week looks like. All legislators can access the legislative network from their homes or, if they stay overnight in Augusta, their motel rooms. They use a password to log into the network over a toll-free line.

Mary's committee, State and Local Government, will be struggling to finish its work on two hundred bills. The Speaker has scheduled extra sessions to try to meet the June 15 adjournment date. The number of bills has risen steadily over the years, putting strain on part-time legislators like Mary.

The first thing she checks is the daily calendar, which lists the bills that will be taken up in tomorrow's session. Mary sees that a bill she has sponsored is one of them. She prepares some notes for the remarks she intends to make, and prints them.

Then she checks her committee schedule and looks at new information the committee clerk has posted since Mary was at the State House last Thursday. She finds that one of the four public hearings scheduled for tomorrow has been postponed.

Mary then checks the schedule for public hearings in the Taxation Committee to see if the chairs have scheduled a public hearing on another bill she has sponsored. She finds that the hearing is scheduled for Wednesday and notes the date and time on her electronic scheduling program. The Legislature publishes hearing schedules in the newspaper each week, but Mary was away this weekend and did not pick up the Sunday paper. She decides to prepare her testimony on the bill, and types out the general scheme of her remarks. She then sends it off by e-mail to her legislative aide in Augusta, who will polish the language, type it in proper form, print it and make copies for the committee, to be distributed when she testifies on the bill. She also sends off an e-mail message to a cosponsor of her bill, asking if he wants to present testimony.

Mary notices that she has received several e-mail messages. Two of them are from newsletters dealing with state and local government issues that will provide helpful general information about her committee work. Another message is from the secretary of the local PTA, asking if she would speak at the next PTA meeting. Typing out her acceptance, Mary sends it off, again noting the time and place on her schedule.

A constituent also has contacted her because she has not yet received her state income tax refund. Mary fires off a message to the Department of Taxation listing the taxpayer's name and social security number, asking the status of the refund and letting them know that she will be calling next Wednesday for an explanation why the refund is so late.

Many of Mary's constituents have found her e-mail address on the Internet home page of her local community network. This community page lists local activities, school schedules, homework assignments, local government information and a hypertext link to Mary's home page. Mary has posted her biography and other information of interest there, including her e-mail address and an invitation to constituents to write about any comments or concerns they have about state government.

*Monday, 9:30 a.m., In the House Chamber*

Mary arrives at the State House in time for a caucus and then the 10:00 a.m. legislative session. She goes to her seat in the chamber and unlocks the desk, allowing her to lift the desk cover and access a laptop computer inside. Typing on the laptop, she is once again connected to the legislative computer network.

In the old days, huge loose-leaf notebooks containing bills and amendments filed that session cluttered each desk and spilled over to the space beneath. A long-time legislator once told her, only half-jokingly, that by the time he found a copy of the bill under discussion, it was time to vote.

The network automatically connects her to a "default" screen, which displays the text of bills and amendments as they are taken up by the Speaker. Those bills going "under the hammer" without discussion are not displayed, but once debate starts on a bill or on an amendment, the text of the bill automatically appears on her screen. Mary can scroll through the bill, go to a particular page, examine the bill summary and the fiscal note, and all other information about the bill. She can also compare the bill to a proposed amendment by using a split screen. Since Mary, like most legislators, cannot possibly read, absorb and remember the details of all the bills, she finds it extremely helpful to be able to see the bill's text when the bill is being debated. Today she notices something in a bill that puzzles her so she stands up to ask a question.

Mary prefers paper copies of bills she wants to study in depth. Clicking a tab on the computer allows her to request a paper copy from a legislative employee, who prints it on a high-speed printer at the back of the chamber and brings it down to her. Longer bills are preprinted, then stored in the back of the chamber for distribution when requested.

Occasionally, Mary exits the default setting to check her committee schedule, the text of bills coming up later in the session, and other tasks allowed by the rules and the Speaker. The session ends with Mary lingering at her desk to recheck her committee schedule for the afternoon. Then she is off to get a bite to eat before arriving at the State and Local Government committee room.

*Monday 5:00 p.m.*

#### State and Local Government Committee Room

Like many other Legislators, Mary sometimes takes the laptop to her committee room. Her desk space in the committee room contains a port just like the connection at her seat in the chamber. Her space at the conference table has a recessed area, similar to her desk in the chamber, making her laptop less visible to people in the audience.

During the public hearing Mary uses her word processing program to take notes. After the public hearings the committee starts its work sessions on several bills. The legislative analyst assigned to the committee has followed up on a suggestion made at the public hearing last week. A witness there told the committee about an alternate approach to the bill under consideration, used by the state of Iowa. The analyst hands out a copy of the Iowa law obtained from the Iowa legislature's Internet home page, along with a message from the Iowa state representative who administers the law, discussing how it has worked in practice. After some discussion, the committee decides to incorporate the Iowa approach as an attachment to the bill.

Since Mary and the legislative staff supporting her can now obtain information directly from the Internet, she relies less on information supplied by lobbyists. Her information sources compensate for her inexperience in state and local government issues.

One bill of particular interest to Mary would establish regional centers at university and technical college campuses where citizens could testify on bills by video conference. Since Mary's district is far from Augusta, her constituents find it difficult to come to the State capitol to express their opinion about bills. If the bill passes, interested citizens can give testimony from Fort Kent, Machias or Wells. The fiber optic cable necessary to do this was installed in the State House in 1998.

*Monday 3:00 p.m., House Retiring Room*

Committee work having finished early today, Mary goes to the legislative retiring room to do further work. First on her "to do" list is to find out more about video conferencing. She connects to the Internet at a station in the Retiring Room and looks through the laws of the states mentioned as leaders in this field. Then, she does a general search, using a search engine. She also looks at the Congressional Web site. Congress has adopted new rules allowing citizens to testify from their home states. She presses the "print" button on her browser software, and a printer in the room gives her a paper copy of the rules.

*Monday 7:00 p.m., at Home*

Returning home after a 12-hour day, Mary finds three e-mail and four telephone messages awaiting her. One e-mail message is from the legislator she contacted yesterday. He will testify on the bill and attaches his proposed testimony for her review and comment. Mary sends back a message suggesting some changes.

A second e-mail is from a constituent urging her to support a bill. The constituent's argument is well thought out, having been based on the actual language in the bill. The constituent read it on the legislative home page rather than hearing about it from a secondary source. Mary types out a reply and sends it on its way. She then returns the phone calls, sometimes referring to information stored on her laptop to answer questions.

The computer has not replaced telephone and face-to-face contact. Many constituents prefer to pick up the phone and besides, many of them do not have computers or Internet connections. Mary hand-writes personal notes when she feels it is appropriate. However, she has noticed lately that she receives fewer requests for routine information such as state agency telephone numbers, copies of bills, or public hearing schedules because many people simply go to the Legislative Web page instead.

There is one e-mail message left to read. It is from an elementary school teacher at the local school. From the list of pending bills listed on the legislative Web page, the class has chosen one to conduct "mock" public hearings. Some students will play the role of committee members and others will testify, playing the roles of actual interested parties. The committee will debate and amend the bill if they wish, and vote on it. The class will then track the actual bill on the Internet and compare its conclusion with that of the Legislature. The teacher asks Mary to come in and talk with the class about the bill. Mary responds by e-mail, "I'd be delighted..."

## **INTRODUCTION**

Along with other state legislatures, Maine is starting to adopt new telecommunications and information technologies to help it do its work. The most important of these changing technologies is the Internet. In the few years since this new tool has come into widespread use, over 50 million Americans have come on-line through on-line services such as America Online or a local Internet service provider.<sup>1</sup> This figure is increasing rapidly. Maine is the first state in the nation to connect all its schools to the Internet. In addition, most libraries have places where patrons can log-on. Although Maine's information infrastructure is two to three years ahead of the rest of the country, and the state ranks well in comparison with other states regarding the implementation of technology, it does not yet rank highly in "digital democracy."<sup>2</sup> Digital democracy is the application of digital technology to permit improved citizen access to laws, legislators and the democratic process.<sup>3</sup>

This article describes the present state of information technology in the legislative branch of Maine government, the changes beginning to take place in the Maine Legislature because of new technologies, and how these changes, when fully implemented, will affect legislator. Finally, it will address the broader issue of the effect of the new technologies on our democracy.

## **THE MAINE LEGISLATURE TODAY**

The Maine Legislature consists of one hundred fifty-one members and two Native American representatives in the Maine House of Representatives and thirty-five Senators. It is a part-time Legislature, which meets from January to mid-June in the first session, and from January to mid-April in the second. The Legislative staff is composed of both partisan and nonpartisan employees and numbers about two hundred. The nonpartisan staff is divided into several departments that provide research and analysis for committees and carries out support functions

such as bill drafting and tracking, fiscal impact analysis, and information systems support. The partisan staff consists of people assisting legislative leadership, and aides for rank and file legislators.

Like other legislatures, most legislative work is done in committees. Maine has seventeen standing committees, each with jurisdiction over a particular subject area, and each consisting of ten members of the House of Representatives, and three senators. Virtually all bills are referred to a committee for initial action. Almost invariably, the committee holds a public hearing on bills and then a work session to discuss the bills. Notices of public hearings are published in the newspaper prior to the hearing. A substantial number of people who testify at public hearings are lobbyists hired by various interest groups. Lobbyists also have informal contact and discussions with individual legislators about bills affecting their clients.

About 80% of the 2,300 bills considered by each Legislature require only pro forma action on the House or Senate floor. Usually a committee has voted unanimously to accept a bill- frequently with amendments- or kill it, and these actions are rarely challenged on the floor of the House or Senate (although copies of these bills, largely unread, still clog up the Legislator's desk). The other 20% go through a lengthy process of enactment requiring at least three votes in each House; frequently amendments or procedural motions result in more votes.

Rank and file legislators are limited to one legislative aide to assist them in their work, shared with approximately ten other legislators. They have no offices, either at the State House or at home. A member is expected to handle committee work, vote on bills, tend to constituents' needs, write articles for the local newspaper, and speak to local groups. Somewhere, he or she must find time to tend to family obligations. Most members also need to earn a living at a "regular" job (the pay of approximately \$9,000 per year is not enough to live on). Legislators are very busy people when the Legislature is in session.

Staff support for committees is good; each committee has a committee clerk and a legislative analyst. The analyst provides legal, policy and fiscal analysis of bills and researches issues, as does the Law and Legislative Reference Library. This research is very useful if one knows exactly what information one is seeking. Each committee room has its own telephone and telephone number. Until recently many committee rooms and offices had no computers and/or no printers or fax capabilities.

Legislators receive little help managing information about pending bills. Currently, paper copies of bills and amendments are sent off-site for printing and then are stored in a document room for distribution to legislators and others upon request. Legislative pages also distribute all bills and amendments to legislators' desks in the chamber before or during the session. Time permitting, they try to file the bills in some logical order in loose-leaf notebooks. The legislator's desk in the House and Senate chamber was, and is, the only permanent, personal work place at the State House for the rank and file legislator. As Mary Smith's story shows, the notebooks take up much of the available space on top of the desk, and underneath it. The paper flow can be overwhelming. Finding the right piece of paper at the right time is difficult. The bills themselves are sometimes difficult to understand because they contain formal statutory language, and cite only the language added to, deleted from or replaced in the statutes. Frequently the context is not apparent. While each bill contains a bill summary, these summaries often do not mention the

finer points. In addition, one must sometimes look back and forth between the bill and an amendment to figure out what is being changed.

Until the installation of a computer room in January 1997, rank and file legislators had no access to computers at the State House. With the computer room, they can access the Internet, draft documents, and send e-mail.

## **PUBLIC KNOWLEDGE OF THE LEGISLATURE'S WORK**

The public relies on the media, the Wang LINK service, or on direct contact with legislators if they wish to know what the Legislature is doing. Newspapers publish a list of bills having public hearings every week, but the names of the bills do not always provide sufficient information about the bill. The public information office will send out copies of bills and amendments to those who ask.

Groups who have a lobbyist are better informed. Part of the job of lobbyists is to examine the many bills considered by the Legislature and pass the word along to those who hire them so that they can react appropriately. Lobbyists with a permanent presence at the State House can look up bills on the public computer terminals and obtain copies from the document room. Alternatively they can pay the clerk to mail them bills and hearing schedules. The cost of this service, more than \$1,500 with next-day service, puts it out of reach for the average citizen.

Legislators cannot be contacted directly by telephone at the State House. Incoming calls come to a central telephone number in the office of the Clerk of the House or Secretary of the Senate, where an answering machine instructs callers to leave a message. The answering machine is periodically checked, messages are taken down and then placed on the legislator's desk in the chamber. It often takes considerable time before the message is received by the legislator. The partisan offices have facsimile machines, which allow for incoming and outgoing fax messages.

## **USE OF TECHNOLOGY BY THE MAINE LEGISLATURE**

The use of information technology in the Maine Legislature began in 1966, when International RollCallCorporation installed a vote tallying system, which automatically recorded votes in the House, thus meaning that legislators could then vote electronically rather than by hand.

The Legislature started using technology for staff support around 1982, with about twenty computers scattered among various staff offices. That year, drafting of bills and amendments was first done using word processors. By 1985 the Legislature had installed a Wang minicomputer, using it for document preparation and process management, fiscal analysis and review, calendar production and bill status. The Wang system is still in use.

Today the Maine Legislature uses about two hundred networked computers. They have recently been connected to the State of Maine's Wide Area Network, allowing connection to the Internet and the State's internal e-mail system. This network almost exclusively supports the staff; until recently, individual legislators have had very limited access to computers. Several public Wang terminals allow electronic searching for bills, amendments and bill status. Users can read the public terminals, but not print the text.

By computer standards, the Wang system is several generations old. Its proprietary software makes it largely incompatible with the Internet, with computer systems used by other branches of state government, and with networked computers, which use Microsoft Windows. Most drafting of bills by legislative staff is done with a modern word processor. However, the resulting document has to be converted to Wang format for use in the bill production system. The governing body of the Legislature-the Legislative Council-has asked the Information System staff to come up with a plan to replace the Wang computer with a modern client server network, and to obtain software to "migrate" the existing functions performed on the Wang to the new system. Client server networks consist of "clients," usually personal computers connected by a network to "servers," which contain system-wide databases, or which perform other high-level system functions. Funding for the migration project was approved in the last hours of the 118th Legislature, and requests for proposals are being sent to vendors. The project is expected to be completed sometime during the 119th Legislature.

Proposed system improvements benefitting legislative staff are extremely important, but they are beyond the scope of this article. Still, two observations can be made:

1. Legislators and the public will benefit when legislative employees charged with gathering information for legislators will be able to do so more efficiently with a new system.
2. The replacement of the Wang system will allow the new client server system to be designed from the ground up to provide automatic posting of information to the legislative Web page as the network produces it, This greatly reduces the task of keeping the Web information up-to-date. Up-to-date information is one of the chief advantages of a legislative Web page.

## **RECENT INFORMATION TECHNOLOGY INITIATIVES THE FIRST COMMITTEE ON LEGISLATIVE INFORMATION TECHNOLOGY**

In the fall of 1996, the First Information Technology Committee was named by the Legislative Council to investigate the use of information technology in the legislative branch of government, and to make such recommendations for improvements as it saw fit. The Committee included legislators, legislative department directors, and a public member.

The Committee wanted to know what legislators thought about the present help they were getting to manage information, and whether they were ready to use new information technology to manage it better. The committee devised a survey and sent it to all members of the 117th Legislature.

More than 75% of the legislators who responded had computers at home, whereas 60% had computers at work. Less than 10% said they had no level of comfort with computers, while two-thirds of those responding said they were comfortable or very comfortable with them. Almost 70% of legislators had Internet access either at home or at work. Seventy percent of the responders rated current access to electronic information in the Maine Legislature to be fair or poor. Members expressed a strong belief that legislators should have access to bills and amendments as well as other legislative information by electronic means in the legislative chambers, and from home. These responses show that most legislators felt they were ready and able to use technology improvements to help them do their work as of the fall of 1996.

The Committee made several major recommendations in its report, all of which the Legislative Council adopted and implemented. First, the committee recommended that the communication tool of choice for the public should be the Internet. To carry out this choice, the Committee recommended that the Legislature establish a fully operational legislative home page on the Internet. This was done in a very short time by the legislative staff.

Second, the committee recommended that the Legislative Council combine the existing Legislative Information Office and the Information Systems Office and create a new position: Director of Information Services. This position existed in the 1980's, but has since been abolished. The Council agreed to the changes and, after an extensive search, hired an experienced information systems professional from the private sector.

Third, the Committee also recommended that the 118th Legislative Council appoint a standing information technology committee to plan for and recommend further technology improvements.

The Committee also felt strongly that a computer room should be made available for legislators' use. Legislative leadership quickly established such a room on the first floor of the State House, equipping it with computers having Internet access, and connected to a printer. The computer room was used in the first session of the 118th Legislature by a small but enthusiastic group of lawmakers.

### **LD 103: MANDATED POSTING OF LEGISLATIVE INFORMATION ON THE INTERNET**

Legislative Document (LD) 103, a bill filed in December 1996, would require as a matter of law that the Legislature post most of its public information on the Internet. The bill required that committee hearing schedules, work session schedules, bill status, voting records of legislators, the complete Maine Statutes, and study reports of committees be placed there. The State and Local Government Committee unanimously recommended passage of the bill and it was enacted without debate by the full Legislature, signed by the Governor, and became law on September 16, 1997.

Since its passage, legislative staff have worked diligently to carry out its mandate, placing legislative information on the Maine Legislature's home Web pages. In October 1997, all thirty-plus volumes of the Maine Revised Statutes were posted, along with a helpful search engine for finding specific parts of the law. The staff has since posted information about bills passed in the 118th legislature, as well as summaries of all bills submitted (whether passed or not), committee reports and studies, biographies of legislators, the Legislators' Handbook, partial transcripts of proceedings in the House and Senate, and a large amount of other interesting and useful information.

As use of the Internet increases, and its use as a knowledge source becomes more widely known, an increasing number of citizens will get information about the Maine Legislature, especially about pending bills from its Web page. Development of the Web page continues to generate enthusiasm among the staff, and new information and features are continually being added. An informal working group of legislative staff meets regularly to plan further improvements (the Internet address of the legislative home page is <http://wwwstate.me.us/legis>).

## **INFORME: THE ADMINISTRATION'S INITIATIVE**

In January 1998, the King administration submitted a bill to create a nonprofit corporation to provide the public with information generated or held by state government. This proposed corporation, called InforME, would collect information from various agencies of state government for distribution to the public. Its stated goal was to expand the amount and kind of public information available free of charge, to explain the usefulness of that information, to expand the base of users who use the information, and to improve individual access to this information through technology. The bill called for the corporation's funding to come from "premium services," for which the corporation would charge a fee. Premium services would include the enhancement of information that is otherwise available free through InforME, including "Lobbyist in a Box," which would provide premium information to those willing to pay for it.

The corporation would employ a network manager to collect and provide the information. The network manager would be responsible to a board of directors, whose members would include representatives of the executive branch, municipalities, librarians, user groups, and others. Participation by the legislative and judicial branches of government would be voluntary.

The bill creating the InforME system was passed by the 118th Legislature and is now law. The corporation is now in the process of organizing itself.

## **SECOND COMMITTEE ON LEGISLATIVE INFORMATION TECHNOLOGY**

In January 1997, The Legislative Council established the Second Committee on Legislative Information Technology to continue the work of the first committee. One of its tasks was to review plans by the Information Systems Director to migrate from the old Wang system to a client-server network and to make recommendations for automation of the House and Senate chambers. Second, the Committee was to look further at the Internet as a tool for information distribution by the Legislature. Third, the Committee was to make recommendations to the legislative Council for changes in rules and procedures in light of the technology changes. A major point of discussion was the suggestion that legislators be issued laptop computers to help manage information, and to create a technology infrastructure to support their use. The Committee never submitted a formal report to the Legislative Council, opting instead to work toward funding for the "migration" project to a client-server network. At the end of the session, a bill filed by Representative Belinda Gerry, which would have required the Legislature to issue laptop computers to legislators, passed the House of Representatives by a two to one vote but failed in the Senate.

At the very end of the session, the Legislature appropriated about one million dollars to start the replacement of the obsolete Wang system with a new client server system and for the software necessary to put the bill drafting and bill status system onto it. This process is scheduled to be completed in the fall of 1999. When it is completed, most information generated by the Legislature can be uploaded almost automatically to the Internet. The new system will support laptop computers for legislators, should the Legislature choose to buy them.

The Information Systems staff is investigating how to improve e-mail access for legislators while at the State House. Technology problems now prevent legislators from receiving e-mail addressed to them at the State House from being accessed from the legislator's home.

As the InforME proposal was pending, a University of Maine professor established a discussion site on the Internet about the proposal. Individuals posted their opinions about the proposal, and responded to the comments of others. The result was a lively, intelligent discussion about the merits of InforME. The tenor of the debate was thoughtful and well-reasoned regardless of the viewpoint; each participant had the luxury of time to articulate his or her thoughts about the subject. This discussion site clarified issues and increased interest in the proposal. Could this be a model for on-line discussions of other public issues?

## **PLANNING FOR BROADBAND CAPABILITY**

This year, workers will tear up the floor of the House and Senate and install wiring to replace an obsolete sound system. While the work is being done, fiber optic cable will be run to legislators' desks in the chamber and to committee rooms.

This cable has "broadband" capacity, meaning that it can transmit audio and video signals. If appropriate cameras and screens are provided, it will be possible for the proceedings in the committee room to be transmitted to various parts of the state for viewing by interested parties. It also will provide the capacity for people in similarly equipped rooms throughout the state to testify at public hearings on legislation, just as the bill in Mary's committee foresees. Broadband capacity is a long-range goal and will not be implemented for several years.

## **EFFECT OF THE NEW TECHNOLOGY ON LEGISLATIVE OPERATIONS**

The use of technology envisaged by Mary Smith's story is close to coming true. Maine's Legislature did not enact the bill providing legislators use of a laptop computer this year, but this writer believes it is only a matter of time. Several states already have done so, and many more are in the process of planning to do it.

It is impossible to measure the benefit when a legislator can easily look at the text of a bill under debate, when he or she might otherwise not bother trying to dig through a bulky notebook. We do not know how much money is saved when a legislator or staff person finds a bright idea on another state's legislative Web page, or an article that sheds new light on a pending bill. We do not know how much the quality of a legislative product improves when a legislator can bounce around an idea with another person through an e-mail message. We do not know how beneficial it is when a legislator can go somewhere other than to a lobbyist for information. But we do know that this access to information will change how legislators interact with one another which, in turn, will impact the policy making process and the public more broadly.

The increased capacity to manage information and to access it from either the State House or at home will make life easier for the average lawmaker at a time when the demands of office are steadily increasing. It will make it easier for some to juggle public life with private job and home life, and perhaps enable people who would not otherwise run for office to do so.

Second, access by legislators and perhaps more importantly their staff, to the vast sources of information available on the Internet, and to the text of bills while they are discussed in the chamber, means an incremental decrease in dependence on others for information. The "others" would certainly include lobbyists, but it might include legislative leadership as well. It may be surprising to the general public that except for bills that are heard before one's committee most legislators do not have the time to actually read the bills they vote on. They depend on committee votes, legislators and lobbyists they trust, their own experience, the wishes of their constituents (if known), their general philosophy and the wishes of legislative leadership to determine how they will vote in any particular instance. To the extent that legislators have wider sources of information, they need to depend less on traditional sources and will have, perhaps, a broader perspective on the issues on which they vote. Although a few legislators will conduct their own Internet searches (several do so now), the staff will probably use it most.

Third, legislators will have an easier time communicating with staff and their constituents, as Mary Smith's story illustrates. At this time about forty Maine legislators have published their e-mail addresses. However, the impact of e-mail on legislators can be a mixed blessing. Legislators do not have personal staff to handle large amounts of e-mail, and some have already complained about the e-mail messages they receive. One Maine Senator received a ninety-five page e-mail from a constituent. "When do I have time to read this," he said as he waved the bulky printout. Another Senator told me that she receives an e-mail from one particular constituent every day. E-mail is so easy to send, one message can be sent to many people simultaneously, that it can be misused, as anyone who has received the electronic equivalent of junk mail (called "spam") can testify. Maine is such a small state, with such a large Legislature, that contacting a legislator is usually not a problem in any event. E-mail can and will be used as a method of lobbying legislators and facilitating communication among groups interested in what the Legislature does, however, as will be discussed below.

## **EASE OF USE FOR THE PUBLIC**

The availability of public information on the Internet made available by InforME, the Legislature or from other sources will make the interaction between citizens and their government much less frustrating-if they are willing to use it. The State's Web page already has some user friendly features, such as the ability to take applications for hunting and fishing licenses on-line. It is not far fetched that many other of the ordinary transactions between citizens and government, such as auto registration, can be handled on-line.

## **EFFECT ON OUR DEMOCRACY**

The effect of the Internet and related technologies on democracy is a hot topic. People who have written about the subject have expressed vastly differing opinions based to a degree on their understanding of just what "democracy" means. Since widespread use of the Internet is only a few years old, perhaps it is natural that no consensus has emerged.

As discussed above, if part of the definition of democracy includes the application of technology to permit improved citizen access to laws and legislation, it is very clear that the Internet provides vast improvements over existing methods at less cost, and gives citizens a better opportunity to access such information. However, it does not necessarily follow that easier access to such information will mean that people become more interested in state government,

provide more feedback to elected officials, or make them more involved in political issues. Nevertheless, the availability of some types of information could have a direct impact on how our democracy works. For instance, what if the source and size of campaign contributions were immediately available on the Internet for all to see? (The campaign reports of candidates for Maine Governor and Congress are on-line now, and the Maine Citizen Leadership Fund, according to a newspaper article in June 1998, will soon have such information available on all state races in an easy-to-use format.) What if every vote by every legislator on every issue was easy to find and immediately available on-line (the votes of every legislator are mandated to be on-line now, but not easily found)?

## **DIRECT, OR "PLEBISCITE" DEMOCRACY**

To some people-perhaps most people-democratic change through technology means using technology to promote direct or plebiscite democracy; that is, direct voting by citizens on issues, rather than through intermediaries such as elected representatives.

Ross Perot's "electronic town meeting" is an example of this. Certainly Maine is no stranger to other forms of direct democracy, such as referendum votes and people's vetoes, not to mention traditional town meetings.

It is hard for this writer to imagine direct citizen voting on issues over the Internet anytime soon. Most citizens simply are not interested in the complex and narrowly defined issues (many of which are of interest to only a limited number of interest groups) often taken up by a legislature, nor do they have the time to understand these issues even if they were interested. Direct democracy runs into Constitutional problems as well since the founders of this country established a representative, not direct, democracy. Finally, questions of fairness arise since not all citizens will have easy access to the hardware needed to use the Internet.

Another possibility is that new technology will make interaction between citizen and legislator easier; and thereby lead to greater citizen input to their legislators. The use of e-mail sent directly to a legislator requesting that the legislator vote a certain way might be an example of this. Another possibility might be instant polls on an issue collected through the Internet, the results of which a legislator would ignore at his or her peril.

Alan Rosenthal, a leading student of state legislatures, believes that the new technology does make it easier for individuals and groups to have direct input into the process, and to influence or pressure elected officials to support their views. He sees the increasing appeal of direct democracy arising out of the cynical view of politics and politicians that has developed over the past twenty-five or thirty years. But in his book, *The Decline of Representative Democracy*, he expresses the view that the rationale for direct democracy (i.e., that elected representatives are not responsive to their constituents) is "almost preposterous," even in the large states he studies in his book. He points out that the process of negotiation, compromise and deliberation are very difficult to implement with direct democracy, and that it leads to fragmented and inconsistent policies, citing California as an example.

Each Maine legislator represents about 8,100 people. Their home and business phone numbers are in the telephone book and are published in the House and Senate Registry. When a constituent calls, he or she does not have to go through administrative assistants, because a

legislator has none. Legislators also take newspaper and television stories and reports about political issues very seriously and are greatly influenced by them. In Maine, at least, it is hard to imagine how legislators could be more accessible to ordinary citizens, if those citizens wish to make contact. The experience of this writer is that legislators are very responsive to contacts with constituents, perhaps too much so.

## **COMMUNITARIAN DEMOCRACY**

Some observers believe that the effect of the new communications technologies will be communitarian; that is, by facilitating communication between individuals, not necessarily between individuals and legislators, the Internet will contribute to deliberation and to building shared understandings of the common good among communities of citizens. Public discussion forums such as the Internet bulletin board used to discuss the InforME proposal are one example of this new capacity to facilitate serious discussion of public issues. E-mail to and from elected representatives is another example. But will this public good be overbalanced by other, less serious and responsible discourse? For example, some e-mail newsletters sent to Maine legislators are not deliberative at all, but simply deliver a narrow point of view.

Through newsgroups and chat rooms designed for people with a particular interest, communication through the Internet is likely to result in many "virtual communities" of people with shared interests. One wonders whether all these opportunities for interaction on every conceivable interest will lead to more interest in political issues, or if it simply will leave less time for them. Will it lead to shared understandings of the common good, or will members of these communities simply reinforce each other with the views of their particular group, destroying cohesion of the whole society instead of promoting it? One effect of technologies such as television is that it allows many people to share common experience, something that the Internet does not necessarily do. For instance, the last episode of the television series "Seinfeld" was watched by millions and formed the basis of discussion and interaction between people who saw it. On the Internet, this does not happen on such a large scale.

## **PLURALIST DEMOCRACY**

The pluralist vision of democracy applies the communitarian ideal narrowly to interest groups within a society rather than the whole society. In this view, new technologies can help people find others with common interests, foster communications between them, and make it easier to motivate them to collective political action. This vision of politics assumes that many political issues involve clashes between interest groups and downplays the idea of a general "public interest."

This vision of democracy is very familiar to anyone who has served in the Legislature. Many issues at the State House deal with one or more interest groups and are of little interest to the public at large. A bill may be advantageous to banks as opposed to credit unions, or organized labor as opposed to business. The state budget process is a good example of the clash of interest groups, where obtaining resources for one interest may mean taking resources away from another.

In this view of democracy every group should have the opportunity to take part, to express their desires and needs, to engage in a rational debate about them, and have the opportunity to arrive at a consensus.

In the context of the Legislature, this means that those potentially affected by legislation should be able to find out about bills that may affect their interest, to find and communicate with others who have the same interest, and to present their views at a public forum, where the decision is to be made.

The legislative committee process is well-suited to this task, provided that those whose interests are affected can organize themselves and be heard. Most bills in the Maine Legislature are disposed of by committee consensus, many of them having been amended as a result of testimony at public hearings and deliberation by committee members.

The playing field is uneven for those interest groups who do not have the resources to hire a lobbyist and to locate other members with similar interests, mobilize support among them, marshal their arguments and act to make sure their point of view is heard and considered by lawmakers.

New technologies may make it easier for these groups. It is not necessary to hire a lobbyist to track bills; they are on the Internet. Thousands of newsgroups on the Internet are gathering places for people who have particular interests, where they can share information. Web pages exist containing resources for all manner of subjects. And finally, the "transaction cost" of the communications necessary to mobilize and inform the group is much less in time and money if one uses e-mail rather than scores of letters with 32 cent stamps.

The biggest effect of new technology on democracy for better or worse might be to facilitate communication between members of such groups, and make them more effective in getting what they want out of the legislative process.

## **THE "HAVES" AND "HAVE NOTS"**

One problem with digital democracy, however defined, is that many people will be left out. These nonusers are divided into two groups: the "have nots" and the "want nots." The latter group is comprised of those who could afford to purchase computers and use information technology, but choose not to do so. They comprise the majority of the population at present. Their numbers will decrease with time.

Other citizens will not have easy access for economic reasons. This problem is much broader than access to legislative information. The increased economic gap between the "haves" and the "have nots" in our society is exacerbated by the inability of some people to afford information technology to educate and inform themselves. In a world where information and education are increasingly necessary for economic success, this inability makes their disadvantage that much greater. It is a problem that cannot easily be remedied. It is not enough to say that there is a public Internet connection available at the public library. Unless information is conveniently available, it is sometimes too much trouble to find it. The point here is not that legislative information or any information is unavailable, but that easy and convenient access is necessary in order for it to be used. Although our government provides safety nets of various kinds, and

subsidizes telephone and utility charges for those not easily able to afford them, it is not likely to purchase a Compaq computer and a subscription to America Online for low-income citizens any time soon.

## CONCLUSION

The Internet is still in its infancy. It is not easy to predict its future, but it probably is not a panacea for the ills of the body politic. The availability of a legislator's e-mail address will certainly make it easier for some constituents to contact their legislators. But it never has been difficult for citizens in Maine to contact their legislators directly by telephone or by mail. Large-scale use of e-mail could be a significant burden to Maine legislators, especially given the small staff assigned to assist them. Some Maine lawmakers have already complained about misuse of e-mail by constituents.

Advanced technology will give people the opportunity for greater involvement in government, but it won't necessarily make them more involved or interested in public issues. In many ways information technology has the capacity to be a great equalizer:

between those who have lobbyists in Augusta and those who don't, between those who live close to Augusta and those who don't, between those who already know the powers that be and those who don't. But in one way it is not an equalizer: only those willing and able to use information technology can take advantage of what it has to offer.

As Mary Smith's hypothetical day illustrates, communications technology holds the promise for legislators of saving time, improving productivity and efficiency, promoting better decision making, fostering improved communications with constituents, attracting people to serve who might otherwise not be able to, and providing them more time to earn a living and spend time with their families.

It also may advance "direct" democracy, but perhaps not so much in a small state like Maine. In any event, is more direct democracy a good thing? It might pull us all together toward a common vision of the public interest but it might do the opposite. It should allow groups to be more effective in organizing and motivating their members, and allow them to more effectively put their case before the legislative body. Only time will tell.

*In the spirit of digital democracy, readers are invited to respond to this article with comments to the author at [jcarleton@cybertours.com](mailto:jcarleton@cybertours.com).*

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**ENDNOTES:**

1. Fifty million is an average figure from several recent sources.
2. Progress & Freedom Foundation, *The Digital State*, Progress and Freedom Foundation, 1997.
3. The definition of "Digital Democracy" comes from *The Digital State*. According to the Progress and Freedom Foundation, Maine ranks forty-first of fifty States in digital democracy.

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