

PROBLEM DEFINITION

The arc of the lawmaking process begins with defining which problems to tackle. In the vTaiwan process, hundreds of thousands are translating broad issues into actionable problems. Such online participation enhances the level of information in the legislative process.



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vTAIWAN

USING DIGITAL TECHNOLOGY TO WRITE DIGITAL LAWS

<https://vtaiwan.tw/>

CASE STUDY



vTAIWAN | USING DIGITAL TECHNOLOGY TO WRITE DIGITAL LAWS

Introduction

For three weeks in April 2014, students, academics, and everyday citizens piled into the Taiwanese Parliament in Taipei to protest the passage of the Cross-Strait Service Trade Agreement aimed at liberalizing trade with China. The government negotiated the Agreement behind closed doors giving rise to protests now known as the Sunflower Movement. g0v.tw -the largest civic tech community in Taiwan- which was founded to promote government transparency and the use of tools to enable citizen participation, led the protests.

The Taiwanese government responded to the demonstration by acknowledging the public's peaceful demands. Former Taiwanese Minister without Portfolio Jaclyn Tsai attended a g0v.tw hackathon in December 2014 and asked the volunteers if they could "create a platform for rational discussion and deliberation of policy issues that the entire nation could participate in."¹ If they were up to the challenge, Tsai committed that the government would participate and respond.

Shortly thereafter, the volunteers built vTaiwan, the open consultation process to bring together experts, government officials, and relevant citizens on a national scale to deliberate, reach consensus, and craft legislation.

Shortly thereafter, the volunteers built vTaiwan, the open consultation process to bring together experts, government officials, and relevant citizens on a national scale to deliberate, reach consensus, and craft legislation.² It has since transformed into a systematic online and offline process to reach consensus on large-scale issues and craft national legislation, helping lawmakers implement decisions with a greater degree of legitimacy. While this case focuses on

vTaiwan's influence on the problem identification stage, it is important to note that vTaiwan enables public participation in each step of the lawmaking process in some form.

Mechanics/Workflow

¹ Barry, Liz. "vTaiwan: Public Participation Methods On The Cyberpunk Frontier Of Democracy." Civic Hall, 2016.

² Lin, Shu-Yang. "[vTaiwan](#)", 2018.

At the time of vTaiwan's inception, instead of g0v ceding control of the program to the government, its inventors and stakeholders decided that vTaiwan should exist as a platform independent of government that runs collaboratively between civil society and the public sector. It was founded with the agreement that the government will use the opinions gathered throughout the process to shape legislation on any given issue related to the digital economy. Now, three parties are in charge of its operation:³

1. **Issue sponsors:** the government agencies which submit drafts of laws and regulations that they are proposing.
2. **Editors:** individuals affiliated with the Science & Technology Law Institute, a government-sponsored NGO, who collect and organize the drafts into a format more conducive to discussion.
3. **Administrators:** g0v's vTaiwan task force, which works together to maintain the online system and update the content.

Though vTaiwan is government-funded, because volunteers run the process, it enjoys a relatively high degree of legitimacy.

The process comprises four distinct phases: proposal, opinion, reflection and legislation. The platform's administrators, however, stress that the system is flexible and the path of an idea often deviates from the ideal type depicted in this roadmap.⁴ Some issues have taken as few as three months to settle while others have taken over a year.

³ "Opportunities and Challenges in Digital Democracy: Taiwan 2014-2016 Open Government Report." Open Culture Foundation, 2017.

⁴ Private presentation from and interview with Shu-Yang Lin, co-founder, PDIS Taiwan, March 1, 2018.
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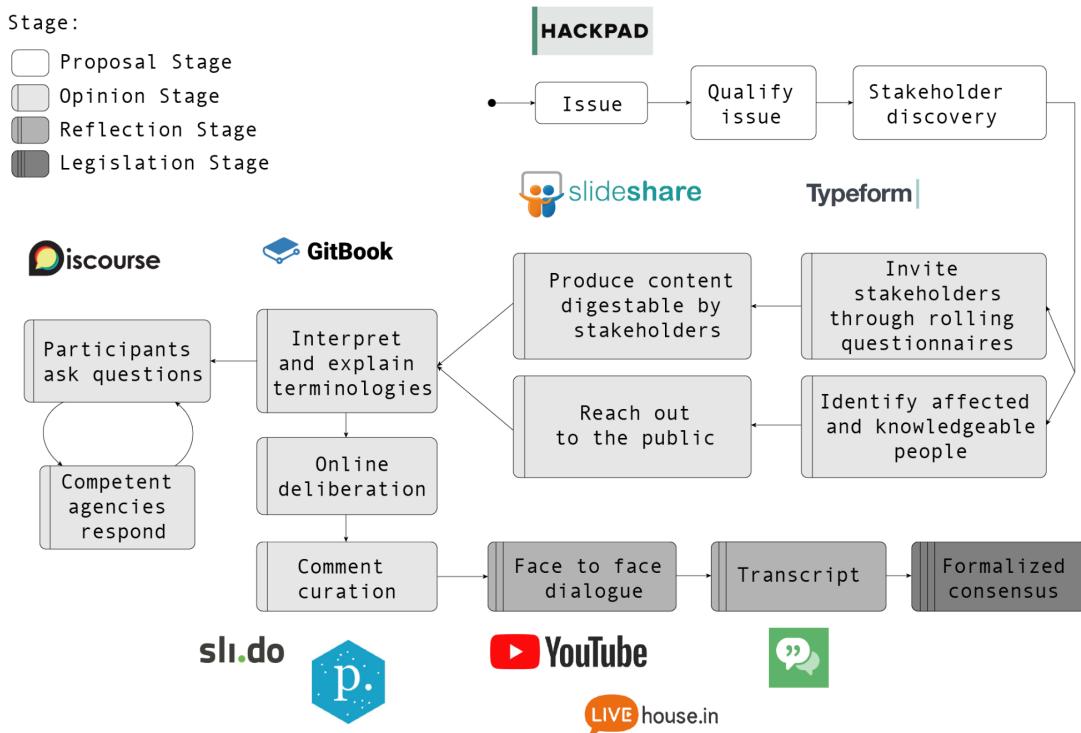


Figure 1: The vTaiwan process. Image from <https://info.vtaiwan.tw/>

The vTaiwan Process

I. Proposal Stage

A. Diverse people including programmers, developers, public servants, journalists, scholars, legal specialists and students convene both online or offline for a weekly mini-hackathon hosted by vTaiwan every Wednesday.⁵

- At these mini hackathons, contributors propose an issue of their choosing to a “competent government authority”⁶ who may choose to either accept (thereby becoming accountable for the issue) or refuse to take on the topic of the proposal. Notably, a proposed

⁵ Yu-Tang Hsiao, Shu-Yang Lin, Audrey Tang, Darshana Narayanan, Claudina Sarahe. “vTaiwan: An Empirical Study of Open Consultation Process in Taiwan.” Center for Open Science, 2018.

⁶ “Competent authority” is a term used frequently in vTaiwan’s process materials. It simply refers to the relevant government agency that is legally responsible for handling a given issue (such as the Ministry of Health and Welfare). In this study, the phrase will be used interchangeably with phrases like “relevant government agency.”

issue will not initiate the vTaiwan process without a government authority⁷ agreeing to become accountable for it and a facilitator taking charge of the issue.

2. This facilitator must be present to guide the issue through each stage of the process. He/she uses the “Focused Conversation Method” to lead discussion throughout each stage. This method is summarized below:

- a) Objective** - participants share facts and data (e.g., vTaiwan is a project)
- b) Reflective** - participants express their emotions and feelings about the objective facts (e.g., I think vTaiwan is a great project and here's why)
- c) Interpretive** - participants exchange opinions and values (e.g., vTaiwan is a project that should expand)
- d) Decisional** - participants make decisions and reach consensus (e.g., we concluded that vTaiwan expands within a month)

B. Tools - during the proposal stage, notes taken during mini hackathons are shared using a collaborative notetaking tool (Hackpad), while documents and presentations are shared using SlideShare.

C. Stakeholder Identification - The community⁸ researches and identifies relevant stakeholders. In this case study, stakeholders are defined as any person or group affected by and/or with knowledge about the given issue.

II. Opinion Stage

Public opinion regarding the issue is gathered through several methods as the issue gets further refined.

A. The vTaiwan community launches the opinion collection process and produces the description of the case in a form digestible by stakeholders and the general public. This includes publishing any documents, research and/or presentations, relevant to the proposal. If

⁷ idib.

⁸ “Community” in this context is referring to the whole of the vTaiwan community.

there is terminology that is difficult to understand, it is compiled into an open dictionary, where everyone can contribute to make things clearer.

B. “Rolling Questionnaires” - first, in an effort to keep the ball rolling and collect as many valuable opinions as possible, stakeholders within the community’s network are sent questionnaires which ask what they know about the issue and their experiences with it. Notably, stakeholders are also asked if they can recommend others with knowledge and/or experience relevant to the issue. Subsequently, other individuals are sent the same survey, often via online advertisements and Facebook. Several steps are taken to maintain privacy but also to enhance the opinion collection process and to augment the crowd that is surveyed.

1. The respondent has the option to either keep their responses confidential within the vTaiwan community⁹ or to publish their opinions publicly.

2. Either way, the respondent has the option to remain anonymous.

3. The respondent is also asked whether they would like to undergo a more in-depth interview.

4. The respondent is given the option to subscribe to email updates regarding the issue.

C. The vTaiwan community creates an online forum on which anyone, not restricted to Taiwan residents, can ask questions, comment on ideas or choose to “agree”, “disagree” or “pass” on others’ ideas, and that forum is open for a designated period of time. Each round of opinion collection lasts for at least one month, but there is no limit to the number of rounds.

D. In order to foster consensus building, however, the process then calls for using Discourse (discussion tool) and Pol.is (opinion mapping).

E. Discourse is a discussion platform which allows users to tag competent authorities who, in turn, are obliged to respond to comments within seven days.

F. Pol.is is an opinion mapping tool to help a large group build consensus by helping the group to visualize its own opinions.

⁹ idib.

- 1.** The Pol.is problem definition process with the public unfolds in multiple phases. In the first round, organizers, followed by participants, write statements about the problem. In other words, the organizers create sample problem statements to prompt discussion.
- 2.** In the second round, participants are asked to ‘Agree,’ ‘Disagree’ or ‘Pass’ on those statements or answer “Is This Statement Important to You.”
- 3.** Statements are shown to all participants based on a comment routing system that gives each statement a priority score based on the responses it has received so far. Every person who enters the conversation sees a different ordering of the statements to avoid bias. As voting progresses, the algorithm then finds the underlying structure of the conversation using unsupervised machine learning. The software analyzes the votes and visualizes them in a real-time report known as an opinion landscape.
- 4.** Through multiple rounds of the process, it becomes easier to see where there is consensus or disagreement and by whom.
- 5.** Once the opinion process is closed, all interactions are reviewed, analyzed, and curated by the vTaiwan community. They are used to publish two reports (“raw and second-hand”)¹⁰ on the results of the opinion collection stage that are viewable by the public and also submitted to the relevant government authority. The reports are used as materials to set the agenda and as a topic of discussion for the upcoming mini-hackathon and consultation meeting.

¹⁰ The “raw” report includes the meta-data, numbers, statistics, etc., produced, whereas the “second-hand” report is an interpretation of that data.

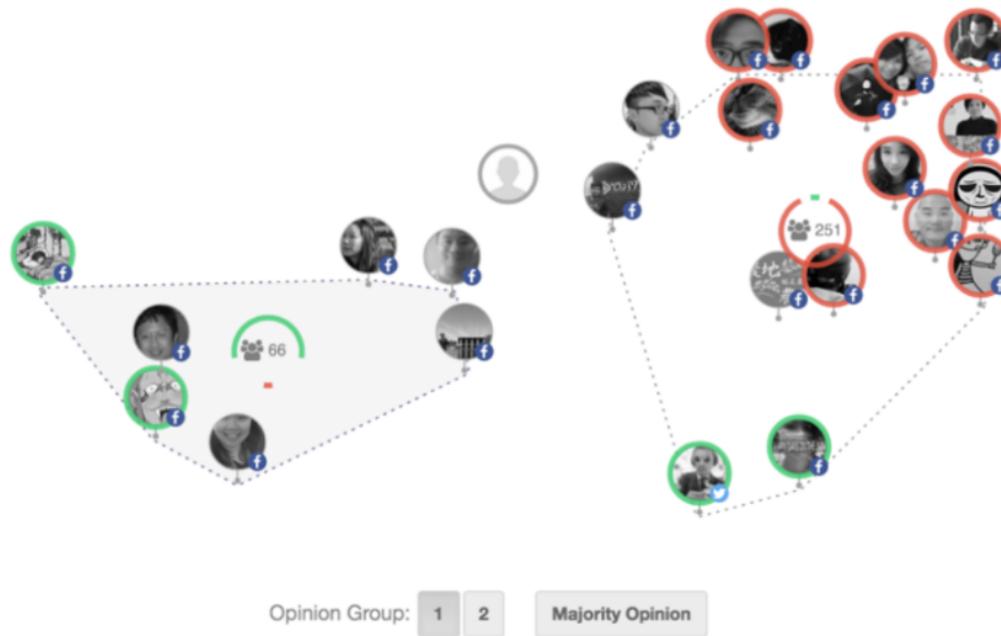


Figure 2: Example of Pol.is opinion groups being formed¹¹

III. Reflection

A shorter stage comprised of two face-to-face events to reflect on findings thus far and determine if it is time to proceed or undergo another round of opinion collection.

A. If the competent authority and the gov participants conclude that it is time to proceed, then they design an in-person consultation and:

1. Identify the proper facilitator for the meeting.
2. Define the size and scope of the issue with the competent government agency.
3. Host a pre-meeting with the facilitator and competent authority at least one week prior to the consultation meeting.
4. Create a plan for the meeting, which includes a rundown, agenda, and a list of invited guests and participants, among other logistical details.

B. Then, the in-person consultation meeting is held, which invites key stakeholders, including scholars, public servants, private sector representatives and participants who were deemed

¹¹ Berman, Paula. "Hacking Ideology: pol.is and vTaiwan." Democracy Earth, 2017.
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highly active during the earlier stages, are invited. Although an invitation is required to participate in-person, this meeting is livestreamed online via YouTube with a chatroom where anyone can contribute ideas, so that everyone can be involved even if they cannot physically attend. The facilitator decides which contributions from the chat to incorporate into the meeting, choosing “insightful and valuable opinions” to include. The meeting is also recorded and transcribed to be used as materials for the next action.

- 1.** The meeting begins with the facilitator describing a summary of the issue’s process thus far.
- 2.** Then, stakeholder groups are allowed to give presentations.
- 3.** During this process, the facilitator takes notes digitally to document a summary in real-time, which is all displayed on the projector.
- 4.** Following the meeting, the videos are released on the vTaiwan Facebook page so that citizens can continue to share ideas in the following weeks.

IV. Ratification

A final discussion on the results of the process which decides the action that the government will take.

- A.** After the consultation meeting, there is another discussion between the community and competent government agency on:
- 1.** The raw report(s) from the opinion collection stage.
 - 2.** The secondary study on the discussion throughout the vTaiwan process.
 - 3.** The transcript of the consultation meeting.
 - 4.** The “rough consensus”¹² – the relevant government agency is responsible for using this to take action.
- B.** The final outcomes can take one of two forms.¹³
- 1.** In some cases, the issue is resolved with a guideline, policy, or statement from the competent government agency. This often includes a point-by-point explanation of why legislation is not being enacted.

¹² Berman, Paula. “Hacking Ideology: pol.is and vTaiwan.” Democracy Earth, 2017.

¹³ Avross Hsiao. “vTaiwan Slide Deck.” 2018.

2. In others, it is formulated into a draft bill to be sent to the Yuan (Taiwanese Legislature).

Permanent beta

Minister Audrey Tang emphasizes the importance of seeing the process as an experiment that can and will always be improved upon and modified. She explained that:

“vTaiwan’s scope is not limited to Taiwan or any particular government; it’s an experiment to prototype a model for consensus generation among large groups in general.”

- Audrey Tang, *Digital Minister, Taiwan*

Moreover, she described it as “an experiment for a new way of working together, to unconditionally trust when collaborating, to be more open and transparent, and to gain the potential to be trusted.”

The process is inherently adaptive, meaning each issue discussed through vTaiwan may follow a different path. No two issues are assumed to be identical in nature and there is scope for each issue to be subject to a unique process, with progress determined by the community involved. In some cases, all four stages are not required. For example, in the case of developing a Fintech Sandbox, an effort to liberalize regulation and allow innovative financial technology companies to thrive, the reflection stage was skipped because there was pressure for immediate legislation. Similar regulatory sandboxes for electric scooter usage, autonomous vehicles, and the 5G spectrum network are currently in development on vTaiwan.

There is no set policy in place to decide when an issue advances from one stage to the next. Rather, the vTaiwan community decides this when they reach a “rough consensus” at any given point based on the situation at the time. According to PDIS Co-founder Shu-Yang Lin, “every case is different, and should be treated differently.”¹⁴

Rather than aspiring to become a “best practice” for citizen engagement, vTaiwan’s stated goal is to advance knowledge and research in the field of digital and participatory democracy, so that other governments and institutions--including its own--may learn from it.

¹⁴ Lin, Shu-Yang. [“Reinventing democracy.”](#) issuu.com, November 14, 2017.

Participation

Since the platform's launch in 2015, over 80 percent of vTaiwan deliberations have led to decisive government action.¹⁵ One of the most notable processes, and the first to utilize the Polis software, was a 2015 debate over the country's policies regarding taxis and the ride-hailing app Uber. Participation statistics from this process were as follows:

- ▶ 31,115 total votes (highest of any process to date)
- ▶ 145 statements submitted on Polis survey (during opinion gathering stage)
- ▶ 925 participants voted on Polis survey (opinion stage)
- ▶ 1,875 participants joined online during the two-hour live-streamed consultation meeting¹⁶
- ▶ 4,000+ participants crowdsourced the meeting agenda for the consultation

Impact

The Taiwanese government shifted from making decisions that angered the neglected public¹⁷ to requiring each Ministry to create a vTaiwan forum account and holding them responsible for responding to citizens' comments within seven days, resulting in a diverse range of topics being discussed on the platform, none of which are trivial. Although it tends to attract participants who often spur discussion on topics related to economics, data, and technology, vTaiwan has also exhibited its capacity to catalyze deliberation on issues of social justice such as the Nonconsensual Pornography case.

This award-winning platform has been praised for its innovation, impressive technology, and its ability to bridge the gap between online and offline participation as well as gaps between various sectors and citizens. From topics like the sharing economy to security management, vTaiwan continues to showcase its capacity to invite stakeholders of all backgrounds to identify problems and generate rational, collaborative, and productive dialogue about key issues, to the point where possible solutions are often put forth and agreed upon.

¹⁵ Avross Hsiao. "vTaiwan Slide Deck." 2018.

¹⁶ Tang, Audrey. "Uber responds to vTaiwan's coherent blended volition." Pol.is blog, May 23, 2016.

¹⁷ O'Flaherty, Kate. "Taiwan's revolutionary hackers are forking the government." Wired, May 4, 2018.

Overall, it has proven to be a multipurpose platform that can help all parties that wish to be involved. It enables Taiwanese citizens to bring their concerns to light where they can actually be heard, while also diminishing the burden placed on lawmakers and public servants by fostering open, productive collaboration and mitigating citizen opposition.

The UberX case is touted as one of the most constructive processes facilitated through vTaiwan to date. Before the vTaiwan consultation, the regulation of ride sharing was a contentious topic. Citizens were concerned for their safety as UberX did not require its drivers to obtain a professional driver's license and was not subject to the same requirements as taxis. Taiwan's taxi drivers complained they were losing a significant portion of their business, hurting their income by 30 percent according to Chen Deng, Chairman of the Taipei City Taxi Passenger Transport Trade Association.

But, as a result of the vTaiwan process, Taiwan's Ministry of Transportation and Communications pledged to ratify the consensus reached on Polis and amend the existing regulation consistent with the plans worked out online and agreed upon by Uber Inc., the Association of Taxi Drivers in Taipei, Taiwan Taxi, and the Ministries of Transport and Communications, Economic Affairs, and Finance. These included such changes as:¹⁸

1. Taxis no longer need to be painted yellow.
2. High-end, app-based Taxis are free to operate as long as they do not undercut the existing taxi fare.
3. App-based dispatch systems must display car and driver identification, estimated fare, and customer rating.
4. Per-ride taxation would be imposed.¹⁹

The Uber case is evidence for the claim that the vTaiwan process does more than merely collect opinions; it provides a method for genuinely improving legislation.

Learnings

vTaiwan offers a replicable, open-source model for supporting constructive collaboration between committed members of the public and public servants and suggests several lessons.

¹⁸ Rashbrooke, Max. How Taiwan is inoculating itself against the Uber “virus.”, CityMetric, February. 8, 2017.

¹⁹ Sui, Cindy. “Taiwan: The place Uber couldn’t crack.” BBC News, February. 10, 2017.

1. Keeping it user-friendly

Although vTaiwan includes multiple stages and different tools, each component is simple and easy to understand.²⁰ During a presentation she gave in Paris, Audrey Tang jokingly remarked that g0v is, “a movement that tries everything [sic] to create a way for lazy people to engage in real action.” From using titles that are very slight offshoots of common existing references (gov-g0v, Taiwan-vTaiwan) to creating timelines to help participants understand the context of certain issues, vTaiwan makes every attempt to make their process simple and inclusive for everyone.

What is unique is fostering a process to bring together different groups of people who do not usually work together, including tech experts, social activists, and public servants.

2. Engaging diverse audiences

With 85 percent of its population online and 90 percent on Facebook,²¹ creating an online participation program was not a big stretch.

Another example is the crowdsourcing platform created by the vTaiwan community to fact-check the statements made by

presidential candidates during public speeches in the lead-up to Taiwan’s 2020 election. g0v even helped launch Talk to Taiwan, a sibling project of vTaiwan consisting of a broadcast talk show where government ministers, mayors and scholars show up to respond to citizen ideas and concerns expressed via Polis.

As Minister Tang said, “...I think [vTaiwan] is closer to the civic tech community than it is actually to my office or any minister...what we’re doing is institutionalizing the parts that worked.”

Nonetheless, the vTaiwan community has made some efforts to institutionalize the process in law. One piece of legislation, a clause in the Digital Communications Acts, would have created a legal framework for the executive branch to respond to cross-ministerial issues that originated on forums like vTaiwan. However, this legislation, itself a product of vTaiwan, did not complete its parliamentary process in 2019. Regardless, there appears to be bipartisan support to create a dedicated authority to institutionalize digital policymaking processes like vTaiwan.

²⁰ “2016-03-02 Conference at SuperPublic.” PDIS, March 3, 2016.

²¹ “2016-03-02 Conference at SuperPublic.” PDIS, March 3, 2016.

3. Mandating engagement

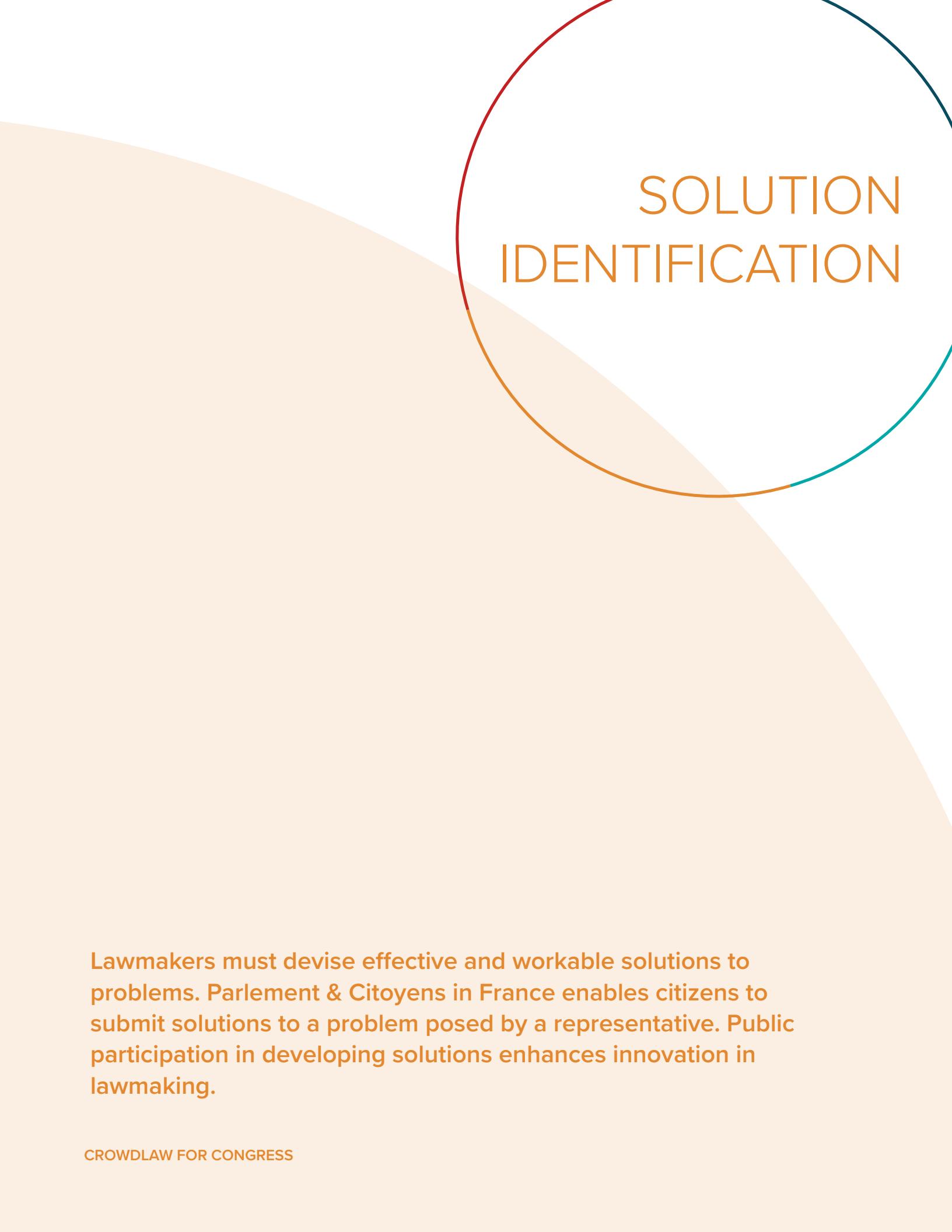
vTaiwan's organizers have emphasized the importance of trust among citizens, civil society, and the public sector.²² The government trusts activists to maintain this largely volunteer-run process, while the community activists trust the government to listen and use their insights and opinions to shape legislation. Building upon its initial commitment to use the platform, the additional requirement that began in 2017--every ministry within the Taiwanese government assign at least one “participation officer” (PO) to “be involved in engagements with the civil society and to acquaint themselves with multi-stakeholder collaborative settings, as to shape regulations appropriate to their ministry”—is a crucial development.²³ Although many public officials are still reluctant participants, mandatory public engagement is beginning to create a culture of mutual trust.

Special thanks for editorial assistance to:

- Fang-Jui Chang, *Service Designer, PDIS Taiwan*
- Audrey Tang, *Digital Minister, Taiwan*

²² Atlee, Tom. “vTaiwan (Part 2) – Notes on Aspects of the vTaiwan Phenomenon.” April 23, 2018.

²³ Atlee, Tom. “vTaiwan (Part 2) – Notes on Aspects of the vTaiwan Phenomenon.” April 23, 2018.



SOLUTION IDENTIFICATION

Lawmakers must devise effective and workable solutions to problems. Parlement & Citoyens in France enables citizens to submit solutions to a problem posed by a representative. Public participation in developing solutions enhances innovation in lawmaking.



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MYGOV INDIA

POLL, DISCUSS, DO

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CASE STUDY



MYGOV INDIA | POLL, DISCUSS, DO

Introduction

MyGov India (mygov.in) is an online crowdsourcing and “crowdsourcing” platform that allows citizens multiple opportunities to engage with India’s Government, including commenting on discussion topics, leaving feedback on polls and surveys, and participating in contests. These contests may involve a range of tasks, from drafting policy suggestions, to competing in knowledge-based quizzes, to participating in content creation competitions (MyGov, NIC, & MeitY, 2017). MyGov India is an example of a 360° CrowdLaw project, where participation happens through a combination of online discussions and offline tasks (GovLab, 2018). MyGov India indicates that in the Solution Identification phase of lawmaking, governments can draw participants in by providing multiple channels for participation that offer real-world incentives. Online polling can be used for public consultation on future programs and for feedback on existing initiatives. However, none of this will necessarily result in meaningful or impactful engagement if the proper institutional mechanisms for the Government to respond to feedback are not in place.

Background

Prime Minister Narendra Modi launched MyGov on July 26, 2014, 60 days into his tenure as prime minister. The stated intent of the program is to “contribute to the social and economic transformation of India” by creating “an interface for healthy exchange of ideas and views involving the common citizen and experts” which would “bring...the government closer to the common man.” In Modi’s words, the intent of the program was to transform “‘Swaraj’ (self-rule) into ‘Surajya’ (good rule)” (MyGov India, n.d.-a).

Modi’s government created MyGov to combat perceived systemic corruption in India’s government. Under the rule of the United Progressive Alliance from 2004 to 2014, the increase of access to 24-hour news and talk shows, which fixated on a series of corruption scandals involving the members of the ruling party, “made exposure of high level corruption a daily national sport” (Nayar, 2015). Coalgate¹ and the 2G Telecommunications Scam², two of the most prominent scandals, coincided with a culture of normalized corruption, everyday bribery, and political patronage. These corruption

¹ In this 2012 scandal, the Comptroller and Auditor General of India (CAG) exposed a practice in which the Indian Government allocated coal mining contracts at its own discretion rather than through a bidding process, which CAG estimates resulted in a Rs. 1.86 trillion gain by the private parties involved. (Gupta, Sultan et al. 2017).

² In this 2007 scandal, Telecom Minister A. Raja illegally manipulated the selection process for the allocation of 2G spectrum licenses to companies in his favor, again resulting in a Rs.1.8 trillion loss by the Indian Government.

problems, along with stagnating economic growth and a decline in the perceived legitimacy in the United Progressive Alliance government, set the stage for the “high-tech populism” (Jaffrelot, 2015) of Narendra Modi and the Bharatiya Janata Party (BJP).

Modi capitalized on the proliferation of access to visual media technologies during his 2014 campaign to cultivate his image as a powerful, technologically-advanced, and universally-beloved nationalist leader (Jaffrelot, 2015). The BJP furthered this effort with the publication of its 2014 Election Manifesto, which promised to reduce corruption, in part by creating an e-Governance platform to complement its transparent, policy-driven government. BJP intended the “Easy, Efficient, and Effective” e-Governance platform not only as an antidote to corruption, but as part of a broader Open Government goal which would include the digitization of public records, the further development of India’s information technology infrastructure and economy, and public participation in policymaking (BJP, 2014).

Numerous disparate e-Governance initiatives existed in India at various levels prior to MyGov. In response to these “islands of e-Governance initiatives in the country at the National, State, district and even block level” (Second Administrative Reforms Commission, 2008, p.106), the Department of Information Technology and the Department of Administrative Reforms & Public Grievances created the National e-Governance Plan (NeGP), which the Government of India approved in May of 2006. To execute the plan, the Ministry of Electronics and Information Technology (MeitY) created the National e-Governance Division as an independent division of Media Lab Asia³ to manage the project. NeGD organized e-Governance initiatives into 27 Mission Mode Projects (MMP) --which had expanded to 44 by 2018. Under the plan, NeGD also created numerous brick-and-mortar facilities, called “Common Service Centers,” across India where citizens without internet access could go to access e-Services (Second Administrative Reforms Commission, 2008).

In July 2015, PM Modi announced the creation of the Digital India campaign (Ray, 2018). Digital India is an umbrella program which combines initiatives created by Modi’s Government (such as MyGov India) with updated versions of existing programs. For instance, NeGP was overhauled as “e-Kranti,” receiving an additional 13 MMPs with a new focus on mobile, Cloud, and geographic information

³ MeitY later restructured this division in the Digital India Corporation in 2017 (MeitY, 2017).

systems technologies (Kumar, 2018). Digital India takes a nine-pillared approach,⁴ of which e-Governance is one. Under this framework, MyGov was created as the crowdsourcing, communications, and social media engagement platform, while e-Kranti assumed responsibility for e-Service delivery.

The MyGov platform launched on July 26, 2014, and is on-going. The Government of India created the platform via the National Informatics Center (NIC), the public organization in charge of India's information and communication technologies services, overseen by MeitY. In March of 2015, the NIC released an updated version of the site, dubbed "MyGov 2.0," which includes polling and survey features, better navigation and layout, and improved data analytics tools (Alawadhi, 2015). The platform is built on open-source software (Alawadhi, 2015), as per the Government of India's 2015 Policy on Adoption of Open Source Software for Government of India. MyGov launched a mobile app in 2017.

Project Description

MyGov India offers a range of curated participation opportunities, which fall into three categories: Do, Discuss, and Poll. The "Do" section consists of a mix of CrowdLaw tasks, some of which are used to create content for the Government of India and some of which serve to identify solutions to problems identified by the Government. Users can join communities called Groups (e.g. Clean Ganga, Sporty India, Tribal Development), which are led by public agencies (e.g. Department of Biotechnology, Department of Telecom, Department of Finance) to engage users on policy proposals, social issues, and other initiatives related to the Ministry's work. Most activities on the site are categorized by Group, while some are published to the whole site. Users can belong to a maximum of four groups at a time (MyGov, NIC, & MeitY, 2017).

⁴ The nine pillars are:

1. Broadband Highways through national optical fibre network
2. Universal access to mobile: connectivity in all 44,000 villages in the country
3. IT teaching skills for youth job skills training.
4. Electronics Manufacturing of items such as smart cards, smart energy meters, micro ATMs, mobile, set-top boxes, consumer and medical electronics.
5. Public access to Internet by renovating post offices to be e-Service delivery centers
6. E- Governance: delivery of services, publicly-visible government workflow automation, and public grievance redress through online platforms.
7. E - Kranti: delivery of electronic services to people which deals with health, education, farming, justice, rights, security, financial inclusion and many more services
8. Global Information: Hosting data online, engaging social media platforms and facilitating two-way communication through the creation of the MyGov website
9. Early Harvest Programmes: increasing usage of internet and e-books in universities and promoting email as a method of communication

(Kumar, 2018)

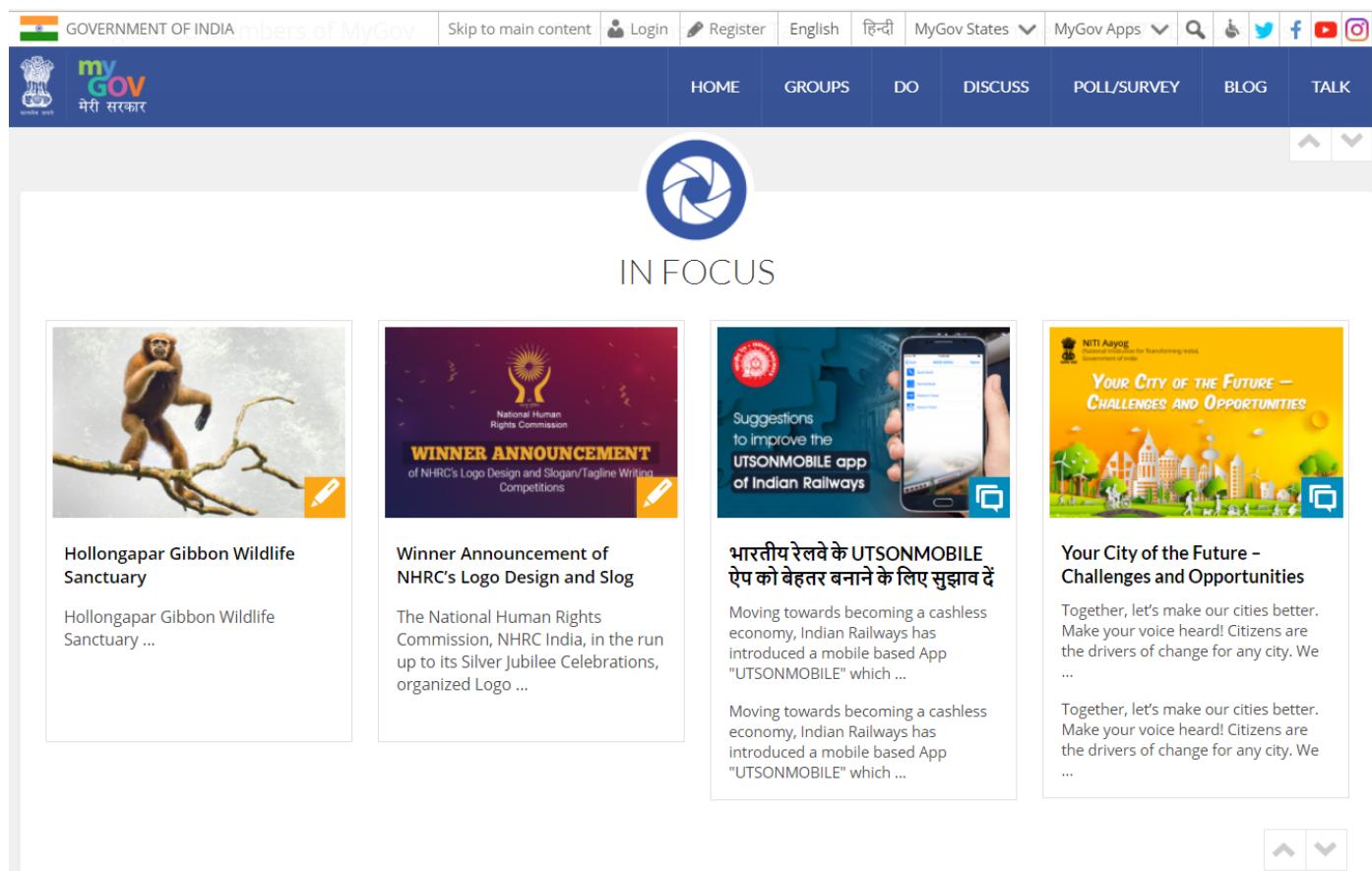


FIGURE 1: MYGOV INDIA HOME PAGE. SOURCE: MYGOV.IN

The Discuss section functions as a curated forum, where users respond to prompts or questions posed by ministries or by the central Government of India. Various Groups have asked users to provide suggestions about topics ranging from the Reduction of Corruption Through Technology, the Celebration of the 150th Birthday of Mahatma Gandhi, and the Development of Parks in Varanasi City. Additionally, in the lead up to each Mann Ki Baat (Prime Minister Modi's monthly national radio address), users are asked to submit topics and key themes about important issues. Users can post responses to discussion topics, along with file attachments, which other users can reply to by "crowdsourcing" with up/down votes, or by leaving comments of their own (GovLab, 2018). The Discuss section is the primary CrowdLaw component of the MyGov platform, as it allows citizens to Identify Solutions to the problems identified by the Government of India, solutions which ministries take into account when formulating policies. This is in addition to the section's role as a general feedback/suggestions forum for various government programs.

In the Poll/Survey Section, Groups can post opinion polls and surveys about topics ranging from the naming of government programs, to the design of government apps, websites, and logos. Many polls are also used for priority-setting tasks around "Smart Cities" initiatives and area-based

development. For instance, one poll allowed residents to vote for which area of the city of Ghaziabad should be selected for area-based development as a Smart City. For the duration of the polling period (determined by the creator of the poll), registered users can vote in the poll or survey; the platform shows users the results of the poll after they have cast their vote. This is an additional CrowdLaw component, though one where users have markedly less freedom. While polling only allows users to select from a predefined list of options, and is not the focus of MyGov, it does allow citizens to express their opinions on policy initiatives. In the Blog section, MyGov staff, Senior Government Officials, Union Ministers, and invited guests post editorials relating to MyGov initiatives, relay general updates about the platform, and announce contest winners (MyGov, NIC, & MeitY, 2017). Groups also use the Blog to disseminate e-Books, which are largely long-form reports of “success stories” from past initiatives. Likewise, the Talks section hosts and archives a variety of live streamed events, panel discussions, webinars, and lectures organized by members of India’s government. Together, these two sections function as a media outlet for the Government rather than as a CrowdLaw platform.

The Do section includes online and offline tasks that further the objectives of the Group or the Indian Government. Users can view the task, its description, and its duration as determined by the creator, and then accept the task by selecting “Do this task now.” Users then can complete their task by uploading a document containing their submission. The organizer of the task announces the winner(s) on the Blog section. By successfully completing tasks, users can earn “activity points” and accumulate “hours” of participation, which are displayed on their profile to track their engagement on the site (MyGov, NIC, & MeitY, 2017).

White Paper of the Committee of Experts on Data Protection Framework for India

The Government of India has set up our Committee of Experts to study various issues relating to data protection in India, make specific suggestions on principles underlying a data protection bill and draft such a bill. The objective is to "ensure growth of the digital economy while keeping personal data of citizens secure and protected."

The issue of data protection is important both intrinsically and instrumentally. Intrinsically, a regime for data protection is synonymous with protection of informational privacy. As the Supreme Court observed in Puttaswamy,

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 [Guidelines for submission of Comments](#) |
 [Summary and list of Questions \(Part - V\)](#) |
 [Terms & Conditions](#) |
 [Delhi Public Consultation](#) |
 [Bengaluru Public Consultation](#) |
 [Hyderabad Public Consultation](#) |
 [Mumbai Public Consultation](#)

Choose the 'Part' where you wish to submit inputs



Part II: Scope and Exemptions



Part III: Grounds of Processing, Obligation on Entities and Individual Rights

FIGURE 2: PUBLIC COMMENTING PROCESS FOR DATA PROTECTION WHITEPAPER. SOURCE: MYGOV.IN

The Do section offers a mix of CrowdLaw tasks. In one example of a public consultation task, the Ministry of Telecommunications invited the public to leave comments on specific chapters of the 2018 Draft National Digital Communications Policy through a portal on the MyGov site. The same process was used by MeitY to garner input on a White Paper of the Committee of Experts on Data Protection Framework for India, a precursor to a draft bill on data protection in India. These tasks solicit feedback on sections of draft legislation, in an effort to resolve specific issues, rather than to identify general solutions to problems, as is done in the Discuss section. Other tasks are framed as contests (or “Innovation Challenges”), where ministries ask users to submit proposals for how to raise money for India’s railways or how to bring urban services to rural villages; the submission requirements, prizes, timelines, etc., vary from contest to contest. While some of these contests and other tasks are related to policymaking (grouped under the innovate.mygov.in module), many

others are creative tasks (grouped under the “Creative Corner” section) such as photography, letter-writing, logo design, sloganeering, and film contests. These contests are used to produce content for the Indian Government and its many schemes.

Participation

There is some opportunity for citizen participation in each section of the MyGov platform. For the most part, participation is self-selected; anyone with an email or phone number is able to participate in discussions and polls, while some contests with prizes are only open to Indian citizens. To participate, users must register for an account using either an email address or phone number and birthday, along with their full name, which is visible to other users. Users with “@nic.in” or “@gov.in” email addresses can directly log-in to the system using their government credentials without registering. Anonymous users may view the various tasks and discussions but may not participate (MyGov, NIC, & MeitY, 2017). Only members of government, MyGov employees, and select invited guests are allowed to post “Blog” or “Talk” content.

As of July 2018, the dashboard boasted 6.3 million registered users on the platform, with 222,000 submissions across 773 tasks, and 3.8 million comments across 780 discussions since the platform’s creation.

The MyGov portal tracks the participation of individual users (MyGov, NIC, & MeitY, 2017), and publishes real-time metadata on a dashboard called “Highlights.” As of July 2018, the dashboard boasted 6.3 million registered users on the platform, with 222,000 submissions across 773 tasks, and 3.8 million comments across 780 discussions since the platform’s creation.

According to MyGov, actual engagement stretches to over 200 million citizens, including the less digitally or linguistically literate who participate by voice. The platform has also hosted 64 Groups, 180 Talks, and 244 Polls. MyGov also hosts “#TransformingIndia” (See Figure 3), a performance dashboard for progress updates of the Modi Government’s various schemes. A related dashboard, “48 Months Transforming India,” celebrates the accomplishments of Modi’s first four years in office.

MyGov provides multiple channels for participation, as part of Digital India’s 360° Approach. Users can partake in some MyGov tasks and discussions even if they are not able to access the desktop

site. For instance, through the #FridaysAtMyGov program, Ministries hold meetups between experts and ministers in a particular field, which MyGov users can register to attend in person, or can call in through a WhatsApp phone line. Similarly, users can submit ideas for the Prime Minister's Mann Ki Baat address, and can record responses for some polls, by calling a toll-free phone number. Users can also participate in polls, discussions, and tasks, and consume talks and blog posts, through the MyGov Mobile app. Users can also make submissions using the site's text-to-speech function (Basu & Lin, 2018). These channels provide the opportunity for millions of Indians to participate in MyGov: while India has 462 million internet users, it has nearly three times as many (1.21 billion) mobile phone connections, 40 percent of which are smartphones (GovLab, 2018).

However, those who participate tend to be Modi supporters. There is no technical barrier to diverse engagement yet there is little, if any, interaction across the aisle or from vocal critics of the Government (Pugalia, Interview with the author, 2018). Also, while the platform has attracted 6.3 million registered users, this is a drop in the bucket (less than 0.5 percent) of India's total 1.3 billion population.

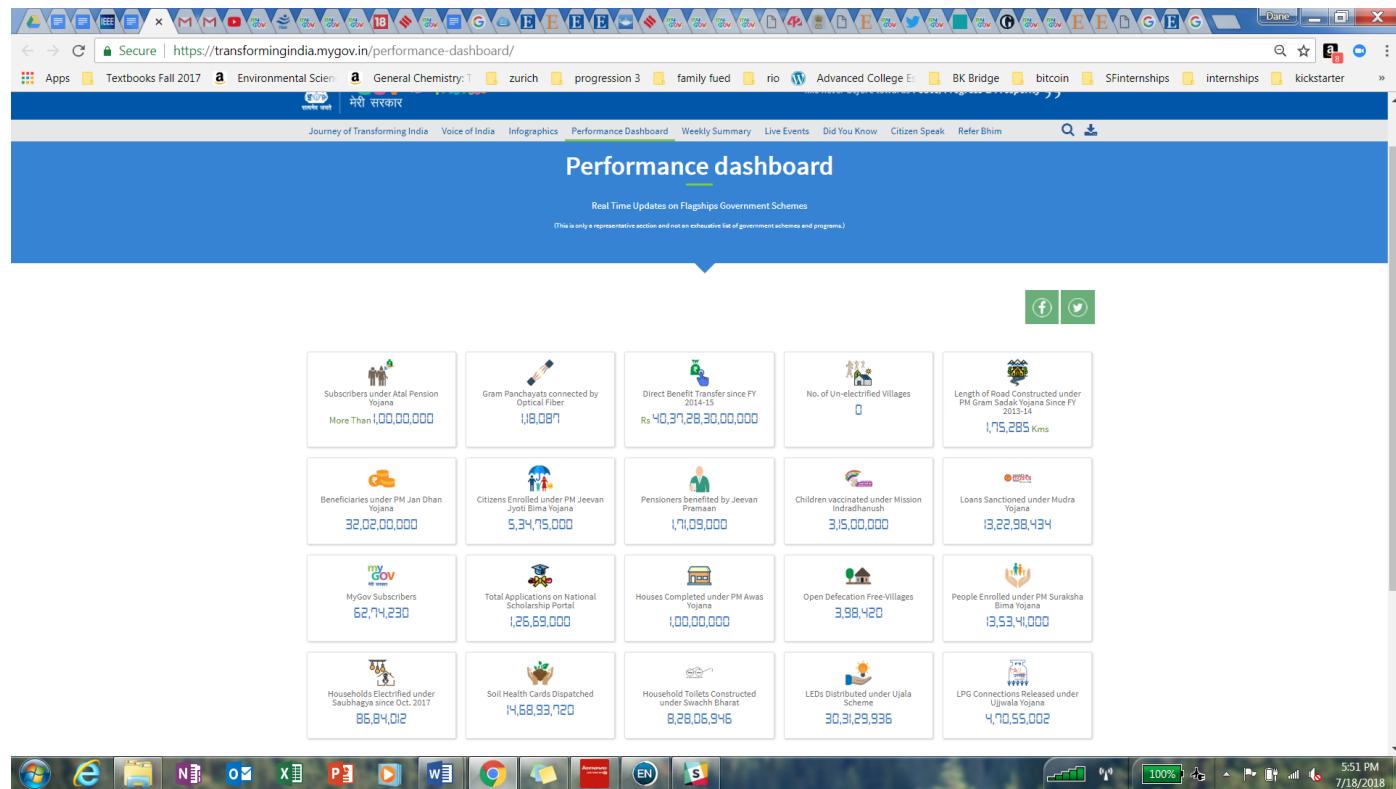


FIGURE 3: TRANSFORMING INDIA PERFORMANCE DASHBOARD. SOURCE: MYGOV.IN

These relatively low numbers may be attributed, in part, to the fact that the only real incentive offered to discussion participants is the ability “to take part in various initiatives towards public

good” and “to voice your opinion on the policy initiatives of the Government” (MyGov India, n.d.-b). In other words, the value of the user participating is the participation itself. While users accumulate credit points by participating, the only mention of how these points can be used is on the site’s FAQ page, which simply states that “Incentives based on credit points will be announced in the future” (MyGov India, n.d.-b). Some incentives, such as cash prizes, electronic devices, and certificates of achievement, are offered to the winners of contests.

360 Degree Engagement

Interaction Design



FIGURE 4: MYGOV INDIA'S INTERACTION PROCEDURE. SOURCE: MYGOV. INDIA

At the institutional level, a team of MyGov staff members collects and processes submissions through a five-step mechanism (See Figure 4). First, MyGov works with a relevant Ministry to identify an idea for the engagement initiative. Next, MyGov, the Ministry, and any other involved groups create the task (a discussion topic, contest, poll, etc.) with input from both ends. Once MyGov and the relevant division have approved the activity, it is published on the platform. MyGov users are then able to discuss, vote, or create content for the contest for the duration of the task.

At the end of the task, MyGov staff receive the submissions and process them using listening tools, open-source software to translate and transcribe the country's diverse languages (GovLab, 2018), and algorithms used to analyze and prioritize comments (Basu & Lin, 2018). Going forward, MyGov plans to further explore the use of voice-to-text conversion, as voice is a primary mode of access

and communication for people in India. This will also include support for regional languages (MyGov, personal communication, 2018). Subject experts also analyze the submissions before referring them to a relevant ministry. The opinions and feedback of all individuals are then presented to the relevant divisions so that the ministries can make educated policy and governance decisions. How the submissions are processed after MyGov has turned them over differs from division to division. Each ministry has a team that is responsible for ensuring participative governance. If the ministry implements a user's idea, they must inform MyGov, who in turn informs the user. MyGov employs a team of approximately 50 staff members, overseen by CEO Arvind Gupta. These team members are spread across several verticals including Research, Content, and Technology, according to the strengths of each employee. Employees receive training in both "soft" and technical skills, making use of subscriptions to technical tools to upgrade work-related skills (MyGov, personal communication, 2018).

For the 2016-2017 financial year, the MyGov division of the Digital India Corporation reported a total expenditure of Rs. 1,066,194,458 (\$14,480,499 USD). MyGov is funded in full by a yearly grant-in-aid from India's Ministry of Electronics and Information Technology. Nearly 90 percent of this budget -- Rs. 938,544,82-- was spent on administrative expenses. The vast majority (over 96 percent) of the administrative expenditures went towards promoting the MyGov platform through advertising and conferences; only Rs. 6,033,936 --or 0.6 percent of MyGov's total budget-- was spent on direct maintenance and data storage related to the website (Digital India Corporation, 2017).

The Government of India has communicated the existence of the MyGov platform to citizens through a targeted campaign involving social media, online articles, radio broadcasts, and live events. The platform operates a Facebook account, Instagram page, YouTube channel, and most notably a Twitter feed (@mygovindia) with over 1.4 million followers and 11,000 tweets. The platform and its initiatives have been covered in online and print media outlets including The Economic Times, The Indian Express, The Hindu, and Hindustan Times. The Prime Minister's monthly Mann Ki Baat radio address is broadcast on the public radio station All India Radio. Each of these outlets is in addition to the MyGov platform, whose "Talk" and "Blog" sections function as a media outlet for the Modi Government. The MyGov website, as with most of its publications and related media, is available in English and Hindi.

Unlike other CrowdLaw processes, MyGov India is not supported by a formal legislative framework or defined legal process. Though there are opportunities for citizens to provide input on government initiatives, there is no guaranteed way for user-submitted policy ideas to become

codified in law through MyGov India. While various government organizations may solicit suggestions or feedback regarding policy proposals or draft legislation, it is at the discretion of the ministry involved to determine what to post for public input and to what degree the suggestions will be implemented, if at all. There is no mandatory feedback requirement.

Impacts

By holding discussions on MyGov, the Government of India and the ministries that are active on the platform benefit from a curated list of suggestions that is “crowdscored,” or rated by other users on the forum, and ranked by relevance using MyGov’s algorithms, which can give the ministers an idea of which proposals are most worth considering and make the data consumption process easier (Basu & Lin, 2018). As ministries must post a discussion topic before users can respond, the ministers can control the flow of proposals by determining how often they post a forum. This allows the institutions to avoid being overloaded by information. Ministries benefit from a diversity of ideas, experiences, and opinions. Holding discussions on MyGov also allows ministers to create policies that are more in line with the beliefs and values of the people of India, as seen with the debate around India’s Net Neutrality⁵ policy in 2015 (GovLab, 2018).

Holding discussions on MyGov also allows ministers to create policies that are more in line with what the beliefs and values of the people of India, as seen with the debate around India’s Net Neutrality policy in 2015.

Prior to 2015, India had no official policy regarding net neutrality. In response to the rapid growth in traffic on web platforms like Google, Yahoo, and Facebook, the Department of Telecommunications’(DoT) tasked the country’s Telecom Regulatory Authority (TRAI) with drafting a series of recommendations for the regulation of India’s internet service providers. In March 2015, these recommendations were made public in the form of a rambling, hundred-plus page

Consultation Paper⁶ on TRAI’s website. Many saw the TRAI report as favoring differential pricing,

⁵ “Net Neutrality” is the principle that Internet service providers (ISPs) cannot discriminate based on the source or type of Internet data with regard to their service. For instance, an ISP cannot “throttle” access to a rival ISP’s website by slowing down data speeds to that site.

⁶ Differential pricing is a practice where a provider charges different prices to access multiple websites, even if the same amount of data is transmitted to each site.

zero-rating,⁷ and other controversial practices, much to the chagrin of net neutrality supporters. The backlash from supporters of net neutrality was immediate, with the TRAI receiving over 1 million emails about the report in the four months that followed (Soni, 2016). In July, DoT moved the discussion to MyGov, where it garnered over 70,000 responses --the vast majority of which opposed TRAI's recommendations-- before the topic closed on August 20, 2015. This feedback was reflected in TRAI's revised set of recommendations published in November of 2017, a complete reversal of the agency's prior position. The revised recommendations sought to "prohibit Internet service providers (ISPs) from engaging in 'any form of discrimination or interference' in the treatment of online content" (The Wire Staff, 2018). In July of 2018, the DoT's Telecom Commission adopted these recommendations, with a few exceptions for providers of "special services" (The Wire Staff, 2018). For the institution, the MyGov platform provided a centralized repository for ministers to receive and process comments in a crowdscored thread, in contrast to the millions of individual emails that comprised the only channel for feedback prior to MyGov.

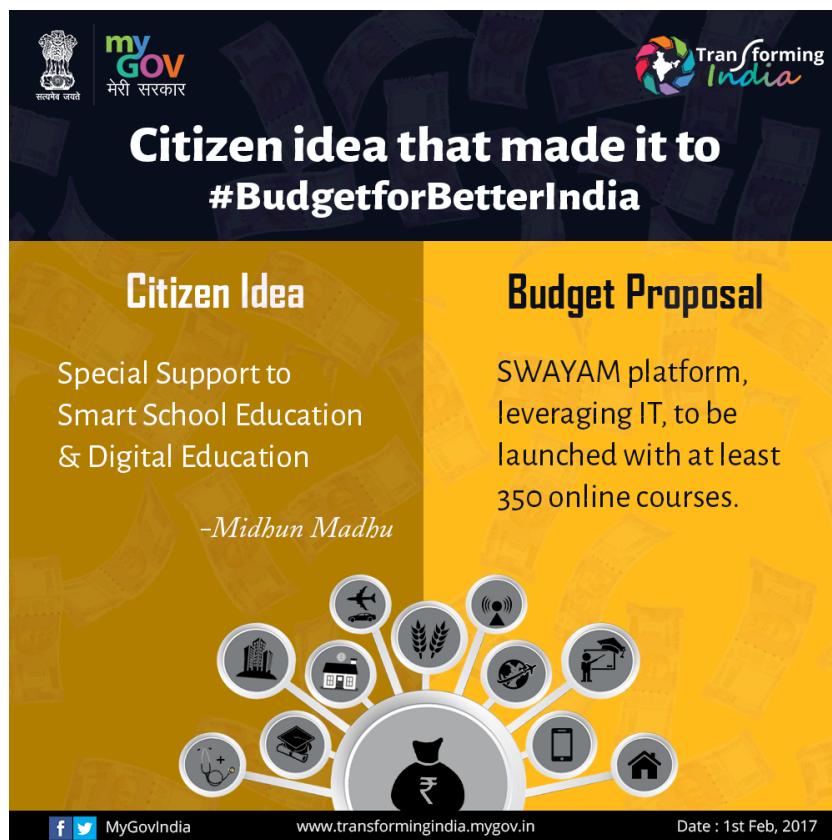


FIGURE 5: THE IDEA FOR SWAYAM, INCORPORATED INTO THE 2017 UNION BUDGET. SOURCE: MYGOV. INDIA

⁷ Zero-rating is a practice where a provider allows users free access to a website or network of websites, usually one(s) with which the provider is affiliated. Backlash against Facebook's plan to bring "Free Basics," scheme to provide zero-rated access to Facebook and affiliated sites to India, sparked the country's larger discussion about net neutrality policy.

By hosting contests on MyGov, these institutions benefit from a content creation system, crowdsourced by users through a gamified approach, that can be more convenient and less expensive than the mechanisms that are traditionally used to design content for the government. For instance, MyGov India CEO Arvind Gupta recounts a 2014 project where MyGov was used to crowdsource the logo for Swachh Bharat (“Clean India”), a campaign to build community-owned sewerage infrastructure. Rather than outsourcing the creation of the logo through a conventional request for proposals (RFP) process, the Ministry of Drinking Water and Sanitation held a logo design contest on MyGov, where users could submit their designs for the chance to win a Rs.50,000 prize. The task amassed over 1,600 submissions, which users could then “like”, and share on social media. This crowdsourcing process was taken into consideration by the Selection Committee in determining the winner. The entire crowdsourcing process accrued a total cost of only \$1,500 USD, approximately 1 percent of what the cost would have been using the RFP process (GovLab, 2018).

Similarly, in 2015, the Prime Minister’s Office and Google co-hosted a contest on MyGov for the design of Prime Minister Modi’s mobile application. The contest was held in three phases: Idea Submission, Wireframe Development, and App Development. Users were first asked to submit ideas for the app’s content and function, with the best ideas (as decided by a MyGov Screening Committee) included in a “blueprint.” In the second phase, teams of users consulted the idea blueprints to design wireframes of the app’s functional layout. The Screening Committee shortlisted the top ten wireframe designs and invited their team members to present their work for a MyGov jury consisting of eminent professionals and government representatives. This jury then selected five of the wireframe design teams to participate in the third phase, where each team received mentorship from Google to develop their app. The jury then evaluated each app and selected a winning team, who won a sponsored trip to meet for six weeks with a team of engineers and developers at Google’s Headquarters in Silicon Valley (MyGov India, n.d.-c). Through this contest, the Government of India was able to crowdsource the development of the application at minimal financial and labor cost; none of the participants in the contest received any financial compensation, and Google assumed the heavy lifting duties involved in developing the app. The Government also retained ownership over the app and its source code (MyGov India, n.d.-c).

Numerous suggestions made by users of the platform have also had real-world impacts. The ideas for SWAYAM (a Massive Open Online Course platform run by the Government of India) and the India Post Payments Bank (a system in which certain third-parties can offer some financial services usually provided by banks) originated from users on MyGov India (Baru & Lin, 2018). Several other

ideas from MyGov users have made it into proposals for Union and Railroad budgets of 2015, 2016, and 2017 including the installation of digital display networks in train passenger cars; collaboration with startups to support innovation in the railway system; and making Rs. 2,000 the maximum cash donation a political party could receive from a single person.

Challenges and Risks

Several scholars have identified ongoing challenges faced by the Digital India project, many of which are also more narrowly applicable to MyGov India. Of the 1.326 billion people who live in India, approximately 67.6 percent live in rural areas, which tend to suffer from reduced access to the internet; it is estimated that 864 to 950 million Indians lack internet access (Kumar, 2018; Ray, 2018). One survey found that only one in five households in Indian cities owns a computer, while only 9.8 percent have a computer with internet access in their home (Prahraj, Han et al. 2017). Many rural villages that are connected to the internet suffer from slow internet speed. While the Digital India plan seeks to solve this problem by further building out India's broadband internet infrastructure and by providing citizens internet access via Common Service Centers, the country's vast size makes this an ongoing challenge.

Linguistic diversity is another challenge, as over 1,600 languages and dialects and 15 official languages are spoken across India (CIA, 2018). Although English is an official language that is used by government officials and often learned as a secondary language, less than 1 percent of India's population speaks it as a first language and less than 5 percent are considered fluent. Although 41 percent of Indians speak Hindi (CIA, 2018), this still leaves at least half of India's population unable to fluently navigate the MyGov site without the use of outside software. Likewise, processing these many languages on the backend of MyGov is an additional ongoing challenge, and one that will compound as the platform continues to expand (Basu & Lin, 2018).

In analyzing Digital India, Kumar (2018) notes that "with cybercrime on the rise, the idea of putting information of about a billion citizens online seems like a risky move." While cybersecurity is a growing problem worldwide, India is especially prone to this problem due to its rapidly growing population of internet users and lack of institutional capacity to deal with cyber threats. In particular, the country lacks human capital of cyber security professionals, technologically savvy law enforcement officers, and cyber security R&D personnel. This problem is compounded by underreporting of crimes and low conviction rates for cyber criminals (Kshetri, 2016).

Reactions

MyGov has faced several technical hurdles, including those associated with the website's design. Rather than having one central engagement opportunity that draws in users and then directs them to other features, the site's overload of features spreads engagement out across the various sections of the site, causing it to feel empty. While the site's modular design allows for new ministries or states to easily be added, the generally poor design can also cause the site to be sluggish and prone to OTP (One Time Password) and other login issues. (Pugalia, Interview with the author, 2018).

MyGov has also been subject to controversies caused by the rapidly changing digital landscape in India, in which technologies and citizens' needs advance at a pace that leaves government institutions struggling to keep up. Recent controversies such as the Cambridge Analytica scandal (involving the collection and misuse of Facebook users' personal data) and data security issues related to Aadhar --India's digital identification card system-- have brought data privacy concerns into the public consciousness. In particular, some have questioned MyGov's request for ministries to share users' data with them in order to improve engagement on the platform (Sharma, 2018). In response to these concerns, MyGov CEO Arvind Gupta defended the platform's data usage as following "best practices," and argued that the tracking of users' engagement is crucial so that users "are not bombarded with unnecessary information and get communication from government which is relevant to them" (qtd. in Sharma, 2018). Others have raised the issue of public access to data. While MyGov is a government platform with publicly available data, PM Modi's app, which draws upon many of the same resources and is often used interchangeably with MyGov, is privately owned by the Prime Minister and as such its data is not publicly available (Pugalia, Interview with the author, 2018). While some of these issues may be addressed with the forthcoming data protection bill, as of now, India's data best practices, and by extent MyGov's own data conventions, remain unclear.

The platform's role as a facilitator of public debates has also been subject to criticism. Although the platform was used in India's Net Neutrality debate, its role in this discussion was controversial, as some saw the move from email submission as an attempt to move the discussion behind a sign-in wall. MyGov CEO Arvind Gupta stated that this was not, "a one-way mechanism of seeking feedback," since "India announced the net neutrality policy shortly after the discussion was closed" for which "the bulk of the comments were sourced from [MyGov India]" (qtd. in GovLab, 2018). On the other hand, The Guardian reported that many net neutrality campaigners "...suspected the

move was designed to discourage people from participating in the debate because the site made it harder to leave comments” (Soni, 2016). While users posted 70,000 comments on MyGov’s discussion forum, this pales in comparison to the over 1 million emails submitted before the debate was moved. The net neutrality example calls into question the role that MyGov has played in facilitating public debates and also raises the larger issue of whether this platform is the proper feedback mechanism for holding a meaningful conversation between people and the government.

A related issue that has arisen in the last few years is the desire for a channel by which to organize and express resistance to established policies of the Indian Government. This want is illustrated by the widespread citizen involvement in debates around net neutrality, data privacy, and other socioeconomic issues related to caste. The Government of India has thus far lacked the institutional capacity to deal with these changes through traditional feedback mechanisms like email and online forms (Pugalia, Interview with the author, 2018). While MyGov was largely created to address these challenges, the site’s discussion tools serve simply as an update to their appearance that does not solve the underlying issues with the older feedback mechanisms. As such, the engagement opportunities available on the platform have come short of delivering the much-needed two-way conversation between the people and their government.

Another shortcoming has been the inability to attract and engage citizens and government members at the local level. Praharaj, Han et al. (2017) examined the intensity of participation on MyGov India discussion pages across 100 cities and found that participation on the platform varied substantially based on geography. Medium-sized cities, such as Bhopal and Indore (with populations under 2 million), and small cities like Udaipur and Jabalpur (under 1.3 million), drew higher rates of citizen engagement than did larger cities like Mumbai, Delhi, and Chennai. To explain these differences, the authors also studied the intensity of participation in relation to demographic characteristics, and found a statistically significant negative correlation between participation and internet access ($r=-.221$, $p<0.05$), mobile phone access ($r=-.253$, $p<.05$), and literacy rate ($r=-.243$, $p<0.05$). This indicates that while internet access, device ownership, and literacy may be prerequisites for participation on the platform, increasing these characteristics will not necessarily lead to greater engagement on MyGov. As MyGov “..is being managed by the central government” the platform’s “lack [of] local level engagement...could be identified as a key reason for low level of participation in majority of cities and even the ones having [a] considerable share of population” (Praharaj, Han et al., 2017, p.1431). This, combined with the overall low participation rates on local-level pages, indicates that rather than focusing solely on improving the

country's wireless infrastructure, the Indian government should pursue strategies to increase engagement at the local level.⁸

MyGov CEO Arvind Gupta contends that one successful aspect of MyGov's 360° approach has been the blending of online and offline features. In particular, the combination of online submissions with offline prizes has attracted a high level of engagement on the platform, as seen in the example of the 2018 Padma Awards. In contrast to past years, where only ministers were able to nominate recipients for these annual civil service awards, nominations for the "#PeoplesPadma Awards" in 2018 were open to anyone. Users could make nominations through an open submission process on the padmaawards.gov.in website, beginning in Fall of 2017 (Express Web Desk, 2017). In the lead up to the awards ceremony in Spring of 2018, a quiz was held on the MyGov site where users were asked knowledge-based questions about the lives and accomplishments of Padma nominees. The top scorers were entered into a lottery for a chance to attend the Padma Awards in person at the President of India's residence (Express Web Desk, 2018). This example is typical of MyGov's gamified approach, wherein a user competes in online activities for the chance to win real-life experiences as prizes. These rewards bring users personal gratification, which is important for achieving high-quality engagement on the platform (GovLab, 2018).

Another strength has been the Government of India's role in sponsoring the site, as this has helped MyGov India to develop a strong brand (Pugalia, Interview with the author, 2018).

Key Learnings

The platform's most consistently successful features, where it has garnered the most engagement and had the most real-world impacts, have been in its content creation tasks and competitions rather than in its lawmaking function. Similar platforms can succeed in attracting users by blending online and offline engagement opportunities, and by providing real-world prizes to participants. Likewise, institutions can reduce their workloads involved in soliciting feedback on initiatives by creating a centralized repository where citizens' comments are collected, crowdscored, and priority-ranked using an online forum.

⁸ So far, local-level pages exist for the states of Haryana, Maharashtra, Assam, Madhya Pradesh, Arunachal Pradesh, Manipur, Tripura, and Chhattisgarh. Participation varies among these local pages, both in scale and in activity. While Maharashtra has attracted over 78,000 participants, its users have submitted only 1,700 comments. This is less than half the number of comments submitted on the Madhya Pradesh page, which has only 23,500 members. Haryana, a state with a population of over 25 million, has only 12,000 registered users who have left a little over 100 comments.

The key shortcoming for MyGov is its lack of a formal lawmaking mechanism or even a simple grievance redressal system by which citizens' submissions could have some direct bearing on government policy; even though discussions are held on MyGov, ministries are not compelled to respond. To this end, while MyGov may be a more convenient and more aesthetically-pleasing replacement of the prior modes of feedback done via email and ministry websites, it has not truly improved or updated their function as a “one-way” conversation between the Government and the common person. Participation on MyGov is lacking at the local level, among critics of the government, and among those lacking reliable internet access, leaving out large swaths of India’s population. Future projects must address the underlying issues in their systems of engagement such that they can provide a “two-way” conversation between people and their government that is accessible to their whole population. While the provision of offline participation channels is a step in the right direction, this must be combined with meaningful engagement opportunities that draw users in and then allow them the opportunity to truly impact the way their country is governed.



CROWDLAW FOR CONGRESS SERIES

DECIDE MADRID

MADRID'S DIRECT DEMOCRACY EXPERIMENT

<https://decide.madrid.es>

CASE STUDY

DECIDE MADRID | MADRID'S DIRECT DEMOCRACY EXPERIMENT

Introduction

The City Council created the Decide Madrid civic technology platform in 2015 in response to the growing political disenchantment in Spain. Protests had begun years earlier when the Indignados (“outraged”) took to the streets of Madrid to demand better democracy and protest welfare cuts, corruption, and more. In the years following the massive protests, the champions behind the movement began to find their way into positions of power. Pablo Soto Bravo, a computer programmer turned City Council member, led the development of the Consul software to create a way for ordinary people to participate in politics.¹ In use in over 70 cities, the Madrid version known as Decide enables a variety of forms of engagement, including participatory budgeting for which the city appropriates €100 million. Its consultations feature has been used to foster public discussion on 38 issues. The platform also includes a Propuestas (proposals) feature which enables anyone to propose legislation. Decide enables a registered user to create a “citizen proposal” and a verified resident of Madrid to sign onto and support proposals for new regulations, policies or actions the submitter wishes the City Council to undertake. Proposals that receive enough signatures by residents must be considered by the City Council. There is, however, no obligation on the part of the Council to enact a proposal.

Decide is a mixed success. On the one hand, it offers an efficient mechanism for any member of the public to engage in democratic life. Nearly 400,000 people are signed up and have submitted over 21,000 proposals. On the other hand, the legal requirement to obtain one percent of the population’s signatures before a proposal can move forward, combined with a number of design flaws, have resulted in thousands of proposals being submitted but none enacted since the platform’s inception.² The City of Madrid is seeking to test ways to increase the number of signatures on citizen-submitted proposals while simultaneously improving their quality.

¹ De Sousa, Ana Naomi. “[Hacking Madrid](#).” Al Jazeera, December 13 2015.

² One proposal was “Billete único para el transporte público,” which called for citizens to be able to purchase one universal ticket to access every form of public transportation. The other proposal was “Madrid -- 100 percent Sostenible,” a self-proclaimed manifesto which demanded the implementation of 14 points related to sustainability.

Propuestas Workflow

The goal of the proposals feature is to create a direct democratic process where citizens can submit, and subsequently support and vote on, one another's ideas for new regulations, policies, and actions, for the City Council of Madrid's consideration.

Idioma: Español ▾

Transparencia | Datos abiertos | Foros Locales | Blog

DECIDE MADRID

Entrar | Registrarse

Debates Propuestas Votaciones Procesos Presupuestos participativos Ayuda

Buscar propuestas... ▾

PROPUESTAS CIUDADANAS Ayuda sobre las propuestas ciudadanas

Más activas hoy Más apoyadas Nuevas Archivadas Búsqueda avanzada

Remodelación Bulevar central Avda. Gran Vía del Sureste y Rotonda principal

0.1% / 100% 14 apoyos 27.662 apoyos necesarios

Apoyar

Sin comentarios • 07/05/2018 • Manuel Caballero Garrido

Solicitud remodelación de la rotonda y el bulevar de 350 metros de largo y 30 de ancho de la Avda. Gran Vía del Sureste que actualmente es un espacio abandonado lleno de escombros.

urbanismo Sostenibilidad Medio Ambiente salud Distritos 1+

Simulacro incendio en colegios

0.1% / 100%

Crea una propuesta

CATEGORÍAS

- Asociaciones Cultura Deportes
- Derechos Sociales Distritos Economía
- Empleo Equidad Medio Ambiente
- Medios Movilidad Participación
- Salud Seguridad y Emergencias
- Sostenibilidad Transparencia
- Urbanismo

FIGURE 1: SCREENSHOT FROM THE “PROPUESTAS” PAGE. SOURCE: DECIDE.MADRID.ES

When creating a proposal, people can access “Kit.Decide” and a blog post via the Decide Madrid website, both of which offer guidelines and keys for creating a successful proposal.

Registered users³ can propose an idea by simply clicking the “Create a Proposal” button. To register only requires providing an email address. There is no residency requirement to make a proposal, and they can also be submitted by mail or in person. A proposal is comprised of:

³ There are three levels of authentication for the site. Registered users provide a username, email address, and password but do not verify residence, so people can do this from anywhere in the world. Basic verified users verify residence online by entering their residence data, then receive a confirmation code via mobile phone. Users who wish to become completely verified will receive a letter containing a security code and instructions to carry out the verification, which they must send back to a Citizen Assistance Office

- Title
- Summary (max 200 characters)
- Proposal text (no limit)
- Link to external video
- Link to additional documentation
- Descriptive image
- Additional documents (max of three, must be PDFs)
- Scope of operation (select a neighborhood or entire city)
- Place marker on map to represent scope (if applicable)
- Tags
- Full name of person submitting proposal (not displayed publicly)

[Debates](#) [Proposals](#) [Voting](#) [Processes](#) [Participatory budgeting](#) [Help](#)

[Go back](#)

Create new proposal

How do citizen proposals work?

Proposal title
[Input field]

Proposal summary
(maximum 200 characters)
[Input field]

Proposal text
[Text area with rich text editor toolbar: B I U S]

Link to external video
You may add a link to YouTube or Vimeo
[Input field]

Link to additional documentation
[Input field]

Descriptive image
You can upload one image of following content types: jpeg, jpg, up to 1 MB
[Input field]

Recommendations for creating a proposal

- ✓ Do not use capital letters for the proposal title or for whole sentences. On the internet, this is considered shouting. And nobody likes being shouted at.
- ✓ Any proposal or comment suggesting illegal action will be deleted, as well as those intending to sabotage the debate spaces. Anything else is allowed.
- ✓ Enjoy this space and the voices that fill it. It belongs to you too.

Documents
You can upload up to a maximum of 3 documents of following content types: pdf, up to 3 MB per file.
[Add new document](#)

Scope of operation
All city

Map location
Navigate the map to the location and place the marker.

[Remove map marker](#)

This proposal doesn't have a concrete location or I'm not aware of it.

Tags
Tag this proposal. You can choose from proposed categories or add your own

[Asociaciones](#) [Cultura](#) [Deportes](#) [Derechos Sociales](#) [Distritos](#) [Economía](#) [Empleo](#) [Equidad](#) [Medio Ambiente](#) [Medios](#)
[Movilidad](#) [Participación](#) [Salud](#) [Seguridad y Emergencias](#) [Sostenibilidad](#) [Transparencia](#) [Urbanismo](#)

Enter the tags you would like to use, separated by commas (,)

Full name of the person submitting the proposal
(individually or as representative of a collective; will not be displayed publicly)

[Input field]

I agree to the Privacy Policy and the Terms and conditions of use

[Create proposal](#)

FIGURE 2: SCREENSHOT FROM THE “PROYECTOS” PAGE. SOURCE: DECIDE.MADRID.ES

Over 21,000 proposals have been submitted and are available to view on the site, sorted by “most active,” “highest rated,” “newest,” and “archived” (can no longer receive support), or by tags such as culture, mobility, and social rights. Once a proposal⁴ is submitted, anyone with verified accounts can click a button expressing their support for said proposal. Each proposal is given 12 months to

⁴ Note: in order to maximize citizen participation and accommodate those without internet access, most actions that take place on the website (including registration and verification) can also be done in one of Madrid’s 26 Citizen Assistance Offices with the help of trained staff.

gather requisite support (signatures) to advance in the process. Some examples of active proposals with a high number of signatures include a protest against a trash incinerator and a moratorium on tourism in the Madrid town center, with 5,225 and 2,427 signatures, respectively. To move forward for consideration, a proposal must receive the requisite support, represented by signatures from “one percent of registered citizens in Madrid over 16 years of age” which is currently ~27,000 people (Decide Madrid). If a proposal does not reach this threshold, it is moved to the “archived” section after 12 months.

If a proposal receives the required number of signatures, this triggers a 45-day period of deliberation and discussion by the public on the website, where they can get informed about the topic of the proposal. Afterward begins a seven-day period (final voting phase) when verified users over 16 years of age can again vote to accept or reject the proposal. A majority vote in this process decides whether the proposal is brought to the City Council for consideration. There is no minimum requirement for consideration at this stage.

The City Council must review any proposal that wins majority favor in the final voting phase within 30 days. It should be noted that winning proposals are not automatically implemented, as the Spanish Constitution does not permit such binding referenda. During these 30 days, the Council evaluates the proposal based on its legality, feasibility, competence, and economic cost, all of which are highlighted in a subsequent report that is openly published. If the report is positive, then a plan of action will be written and published to carry out the proposal. If the report is negative, the City Council may either propose an alternative action or publish the reasons that prevent the proposal’s execution.

Participation

The Decide Madrid website provides a general overview of user statistics, but the information provided is not available in one centralized and easily accessible location. Rather, it is scattered across the website on different pages. However, the site does provide a link to the Madrid City Council’s “Open Data” portal, where one can find a substantial amount of data on Decide Madrid through a downloadable application programming interface.⁵ Site traffic and user participation are

⁵ “Portal de datos abiertos del Ayuntamiento de Madrid.” *Ayuntamiento de Madrid*.

the areas where the platform has found great success, demonstrated by the following statistics provided by Madrid's Collective Intelligence for Democracy Lab or "ParticipaLab."⁶

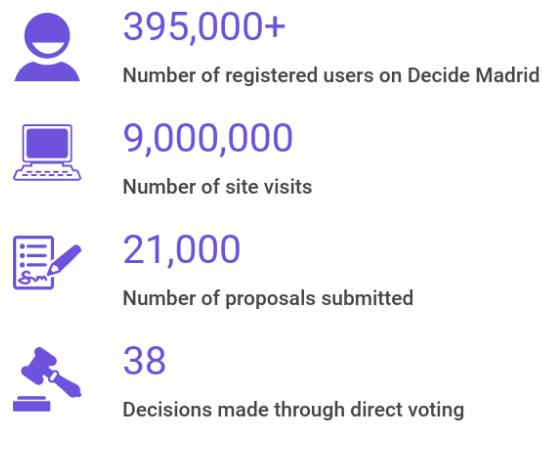


FIGURE 3: USER DATA AS OF MAY 04, 2018. SOURCE: YAGO ABATI, DIRECTOR - LABORATORIO INTELIGENCIA COLECTIVA PARA LA DEMOCRACIA (PARTICIPALAB).

Unfortunately, the site does not provide more specific data on user behavior and activity, such as the amount of time the average user spends on the site, the number of frequent users, the number of votes cast or proposals submitted by the average user, location, occupation, etc. While some of that information is likely protected by privacy laws, more data and a deeper understanding of the platform's users would help Decide Madrid administrators, and those who wish to replicate the process, identify challenges with using such a tool and potential solutions. However, some of this information could be found with some searching on ParticipaLab's now defunct "Data Analysis for Citizen Participation" site, though it required significant manual effort. In addition, the website does offer an extensive overview of data from one week in February 2017, when the City Council combined the opportunity to vote on two citizen proposals and several "processes." If such data were collected pertaining to the entire site, it would be highly valuable.

February 2017 Voting

Due to a coincidence in how the timing unfolded, the City Council combined the opportunity to vote on two citizen proposals and several "processes" into one week in February 2017 where citizens

⁶ Yago Bermejo Abati, Director - Laboratorio Inteligencia colectiva para la Democracia (ParticipaLab) personal communication, May 04, 2018.

could vote on all of these different items. This “first citizen vote” provides the richest set of user data available on the site, thus the following figures and statistics all pertain to that vote. Of particular note is the number of people participating via mail, rather than the web.

Number of users who voted: 217,076

Number of votes cast: 963,887

Participation by Gender:

- Men: 105,298 (49.23 percent)
- Women: 108,591 (50.77 percent)

Participation by Channel:

- Web: 76,481 (35.73 percent)
- Ballet box: 23,654 (11.05 percent)
- Mail: 117,388 (54.83 percent)

Below is a graphic representing votes by age group. For more detailed information about participation broken down by geography and subjects of the votes, please visit First Citizen Vote (February 2017):

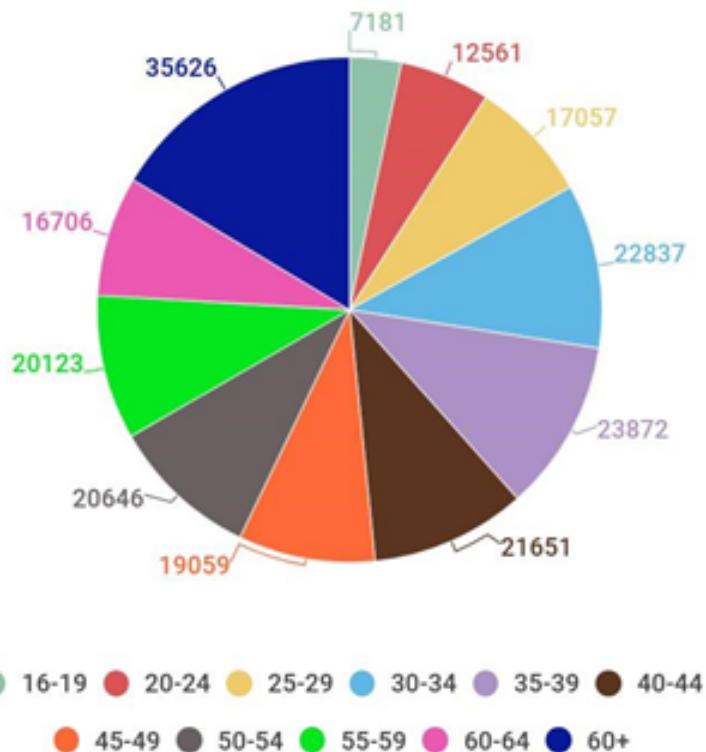


FIGURE 4: VOTES BY AGE GROUP. SOURCE: FIRST CITIZEN VOTE (FEBRUARY 2017).

Challenges

Undoubtedly, the most obstinate challenge faced by Decide Madrid is advancing citizen proposals through the process to be passed into legislation because of the signature threshold. Despite impressive participation numbers with nearly 400,000 registered users and over 21,000 submitted proposals since the platform's inception in 2015, only two of these proposals have reached the threshold of signatures required for them to be put to a vote for consideration by the Council. Notably, both of these proposals were submitted on the day the platform was launched, and in subsequent years not one single proposal has reached even half of the support threshold.⁷

Equally problematic, however, is the quality of proposals. Many submissions are poorly informed and designed in such a way that prevents their implementation because the City government is not permitted to respond to or give feedback on proposals. Thus, many are not relevant to the jurisdiction of the City or they duplicate another law that already exists. In other words, many proposals with credible ideas that offer practical solutions to real problems are drowned out by the volume of ineffectual proposals.

This poses a delicate issue. One of the goals of such participatory democracy tools is to enable wider participation. In doing so, however, Decide Madrid has attracted a surfeit of contributions that are proving ineffective to the initiative's broader vision of improving the city's democracy and the lives of its citizens. Additionally, if its users' contributions continuously fail to produce outcomes, then they may get discouraged. Thus, administrators must discover a way to invite more useful proposals and mitigate 'noise' without limiting overall engagement.

Impact

Overall, Decide Madrid has been very successful on some fronts but has fallen short of producing substantial tangible impacts in other areas. Madrid's City Council has succeeded in creating an open, transparent platform where citizens can collaborate with one another on a range of issues. Placing every part of the process in full view of the public and providing a link to an open data repository has helped meet the goal of promoting transparency within the government. Engaging hundreds of thousands of citizens, Decide Madrid has moved over 500 participatory budgeting

⁷ Pablo Aragon, Yago Bermejo, Vicenc Gomez, and Andreas Kaltenbrunner. "[Interactive Discovery System for Direct Democracy](#)." 2018 IEEE/ACM International Conference on Advances in Social Networks Analysis and Mining (ASONAM). IEEE, 2018

projects into the process of being implemented and crowdsourced opinions to make nearly 40 decisions through the “process” section.

Unfortunately, the extremely low impact of the propuestas (proposals) feature--the aspect that has the most direct influence on the solution identification stage of the lawmaking process--is cause for relative concern. Furthermore, the political climate in Spain remains turbulent as trust in government continues to decline and there is a real concern that a lack of outcomes will lead to further frustration.

Learnings

Decide Madrid provides several learnings for governments and institutions that look to emulate its CrowdLaw processes. Giving the public the opportunity to influence law and policymaking directly is responding to a deeply felt need as evidenced by the huge number of participants and submissions.

Giving the public the opportunity to influence law and policymaking directly is responding to a deeply felt need as evidenced by the huge number of participants and submissions.

However, the failure by the government -- a failure created by legal compliance -- to participate actively in and respond to public proposals is depressing the quality of submissions.

Finally, the case of Decide Madrid highlights the importance of technology in these processes. Above all, using open source software is a core value when designing a digital democracy platform. When asked about

the Consul software, Miguel Arana, Director of Citizen Participation for the City Council of Madrid, remarked, “This is the tool we imagined when we started doing digital democracy practices in the squares and streets of 15M.”⁸ He continued to explain how he believes that, “free software is always a gift to the world.” The influence of free software is well-supported,⁹ and Decide Madrid’s co-founders are proud that their vision was able to be reimagined in the many instances that followed.

⁸ Tarancón, Sara Calvo. “[La hacker de Carmena](#).” Público, January, 14 2018.

⁹ “[What is free software](#).” Free Software Foundation.

Conclusion and Future Direction

Whether Decide Madrid has enabled citizens to directly influence the City's policies and leverage citizen participation for solution identification currently lies in a grey area. While the platform has granted citizens with the ability to identify and propose alternative solutions to public problems directly to the City Council, their capacity to prompt real change remains questionable as long as citizen proposals continue to produce very few substantive results. On a positive note, the organizers have been mapping and tracking user data and participation and are eagerly working on improving the process to help accomplish its goal. They have set the foundation for their government to work collaboratively with the public and civil societies, and have done so in a way that is replicable for other institutions.



CROWDLAW FOR CONGRESS SERIES

RAHVAKOGU

TURNING THE E-REPUBLIC INTO AN E-DEMOCRACY

<https://rahvakogu.ee>

CASE STUDY



RAHVAKOGU | TURNING THE E-REPUBLIC INTO AN E-DEMOCRACY

Introduction

Rahvakogu (“The People’s Assembly”) was a one-off initiative in early 2013 in which Estonian citizens proposed and discussed policy ideas to remedy political corruption via an online crowdsourcing platform and in-person deliberation. The project applied Estonia’s experience of using technology¹ for the delivery of public services to the development of an online crowdsourcing² platform, furthering the country’s role as a leader in e-Governance and open government. Rahvakogu demonstrates that during the Solution Identification stage of lawmaking, actors outside of the elected government can play a key role in facilitating public engagement in lawmaking, and that this process can happen rapidly through the use of online platforms.

Background

Rahvakogu originated as a reaction by Estonia’s people to perceived corruption in the country’s major political parties following a series of scandals. In December of 2011, the Riigikogu (Estonia’s Parliament) attempted to pass a legislative amendment that would have allocated close to €1 million in public funding to finance political party campaigns- a motion that was widely supported by the major political parties but criticized by civil society. Additionally, early in 2012, protesters targeted the Reform Party, and particularly its leader, Prime Minister Andrus Ansip, for the party’s support of the global Anti-Counterfeiting Trade Agreement (ACTA). The most notable scandal, dubbed “Silvergate,” came on the heels of these controversies. In May of 2012, Silver Meikar, a Member of Parliament from the ruling Reform Party, published an article in the Estonian newspaper Postimes detailing an incident in which party leaders instructed him to donate €7,600 from an unknown source to the party, under his own name. Although this is illegal under Estonian law, Meikar claimed that this was a common practice, and that other Reform Party Members had done the same in the past (Praxis, 2014). Though the party denied Meikar’s allegations, and the subsequent investigation yielded nothing due to a lack of evidence, the stage was set for a popular backlash against the party.

This backlash took the form of street protests and rallies, calling for more openness, transparency, and an end to corruption in Estonia’s political system. In November of 2012, 17 activists published Harta 12 (“Charter 12”), an online petition signed by 18,210 people (a large group for a country of

¹ See Nathan Heller’s (2017) article [“Estonia, The Digital Republic”](#) in *The New Yorker*.

² The platform was built upon an existing open-source Icelandic platform (See “Mechanics of Rahvakogu”).

only 1.3 million) on the [petisioon.ee](#) platform, calling for all Estonian people to establish “a new social contract” between civil society and the government (Karlsson, Jonsson, & Astrom, 2015), one in which:

- The public has an unobstructed view of all revenue sources and political associations
- Parties work in a transparent manner that is in the interest of the people
- Representatives must regularly report to their constituents and act in their interests
- There is a clear, open, and simple path of access to Parliament, and with no monopolization of power
- There are tools other than elections by which citizens can articulate their will



Figure 1: Pro-Charter 12 Protests

Source: <https://mises.ee/in-english/report-on-estonia/>

In response to Harta 12, the then-President of Estonia, Toomas Hendrik Ilves, called a meeting of political scientists, lawyers, political party members, and interest groups, held in an old Jääkelder, or ice-cellar building. It was at this “Ice-Cellar Meeting” that the group agreed on a course of action that included a proposal phase where members of the public could submit policy proposals via an online crowdsourcing platform, and a “Deliberation Day” in which the proposals could be discussed and voted upon. A team spearheaded by the Estonian Cooperation Assembly and other stakeholders, including the President’s Office, the Praxis Centre for Policy Studies, the Open

Estonia Foundation (OEF), the Network of Estonian Non-profit Organizations (NENO), the e-Governance Academy, and IT and communications groups, was responsible for actualizing the plan developed during the Ice-Cellar Meeting (Praxis).

The plan developed by the Estonian Cooperation Assembly drew upon the country's strength at using information technology in the public sphere (Heller, 2017). After gaining independence from the Soviet Union in 1991, Estonia oriented its economy around technological innovation. The government created the technological investment fund Tiger Leap Foundation in the early 1990s in part to fund computer programming education in primary schools (Mansel, 2013). Estonians have been able to directly pay taxes online since 2002. In 2001, the state chartered the creation of X-Road, a decentralized database used to store data for over 900 public and private services. In 2002, Estonia introduced a mandatory national identification card that can be used online for electronic banking, healthcare services, signing contracts, and even purchasing public transit tickets (Economist Magazine, 2014). In 2005, Estonia used its electronic ID system to become the first country to allow online voting, which has risen in popularity in subsequent parliamentary and general elections.

Several platforms for electronic citizen participation existed prior to Rahvakogu. One such platform, osale.ee ("Participate"), was created by the State Chancellery of Estonia in 2007 to allow individuals and groups to submit policy ideas and consultation about draft legislation.³ However, not all draft acts are required to be published on the website and the protocol for whether or not to respond to public submissions is left at the discretion of the ministry involved. While still online as of June 2018, the platform is under-promoted, rarely updated, and "has only a small number of active users" (ECAa, 2017). Another platform, petsioon.ee, was created by the Estonian Association of Homeowners (a private non-profit) in 2010 as a channel for the public to submit, discuss, and vote in support of proposals on any topic. Though proposals made on this privately-managed forum had no force of law behind them, the platform did host the Harta 12 petition that eventually sparked the Ice-Cellar Meeting and the creation of Rahvakogu.

³ The osale.ee platform replaced the earlier Täna Otsustan Mina ("Today I Decide", or TOM) platform, which was created by the Estonian Government in 2001. TOM was a stand-alone platform that allowed citizens to propose, discuss and vote on policy ideas. In contrast to TOM, osale.ee is coordinated with Estonia's Electronic Coordination System for Draft Legislation (EIS), a database that hosts draft legislation and supporting documents for public view and coordination between government agencies. In 2008, a consortium led by the e-Governance Academy, State Chancellery of the Republic of Estonia and the European Union Democracy Observatory spun off the TOM into the open-source TID+ platform, with the intention of disseminating the e-participation tool to governments and NGOs in the European Union and beyond.

Mechanics of Rahvakogu

Rahvakogu was conducted in four phases: Proposals, Grouping, Synthesis, and Deliberation. The Proposals phase began in January of 2013 and was hosted online at rahvakogu.ee. The crowdsourcing mechanism was based on [Your Priorities](#), a software platform developed in 2008 by the Icelandic nonprofit Citizens Foundation for use in the Better Reykjavik project.⁴ Use of this open-source software allowed the Estonian Cooperation Assembly to quickly roll out the rahvakogu.ee webpage and to modify the platform to include a digital identification feature and a customized interface (Grimsson, Razgute, & Hinsberg, 2015).

Proposals had to fall into one of five categories: the electoral system, the functioning of political parties, the financing of political parties, public participation in political decision-making, and the politicization of public offices. Proposals that did not fit into any of these categories were not discussed. This strategy effectively focused the discussion on topics relevant to the issues raised in Charter 12: a plurality of proposals dealt with elections (33%) and the funding of political parties (15%) (Liiv, Interview with the author, 2018). During the three weeks that the portal was live, from January 7 through January 31, the Rahvakogu webpage garnered over 60,000 views, with over 2,000 users posting 2,000 proposals and 4,000 comments (Praxis, 2014). Users first had to log in using an electronic ID in order to comment or submit proposals, which made the identity of the user publicly available on the crowdsourcing platform. By one account, this feature helped to “reduce public animosity,” as the vast majority “...of the proposals and comments were..[written] in a neutral tone... some used more colorful language, but it was seldom hostile” (Anonymous Interviewee qtd. In Jonsson, 2015).

⁴ The Better Reykjavik experience served as proof-of-concept for the platform (Grimsson & Bjarnson, 2015), and as a source of inspiration for the organizers of Rahvakogu (Jonsson, 2015). Any user can register for a Your Priorities account using either email or Facebook, and then can create a community with various groups within it. The platform allows for customization, such as whether or not to allow voting, to allow only certain users to propose ideas, to define the timespan for voting on ideas, and to designate users as moderators. As the platform is free and open-source, further customization can be done by downloading the source code from the application’s [GitHub page](#).

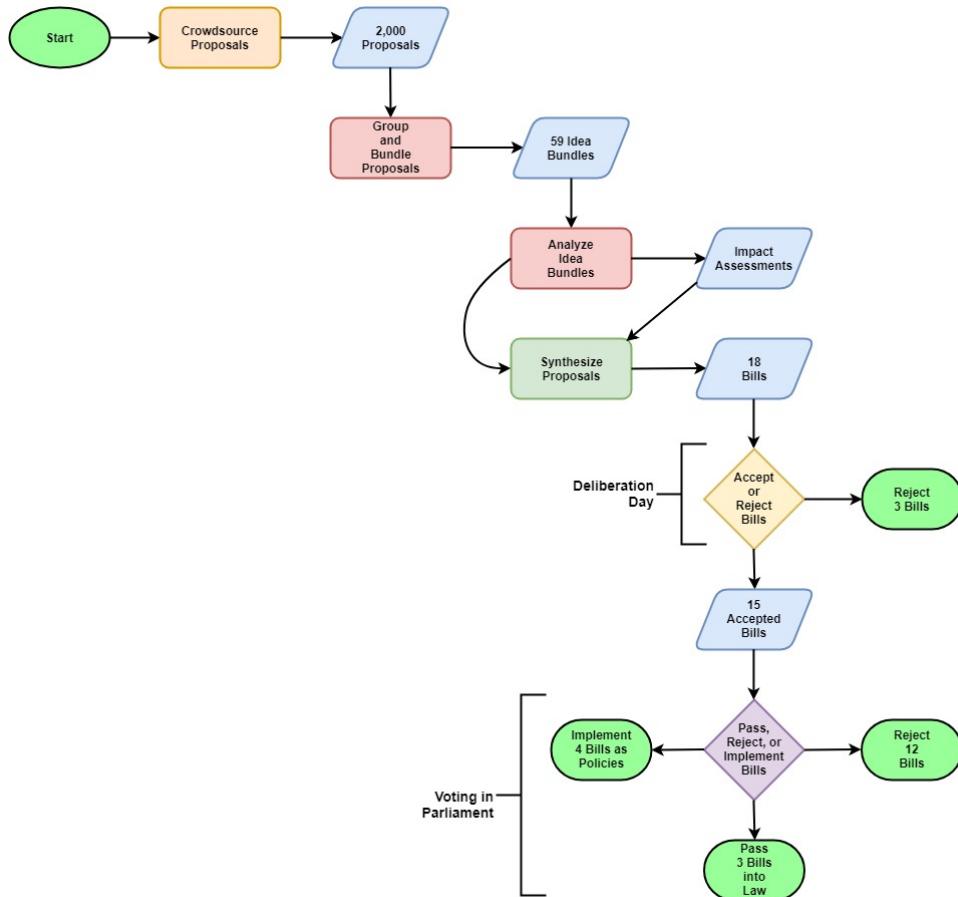


Figure 2: Mechanics of Rahvakogu Flowchart

RAHKOGU

RAHASTAMINE ERAKONNAD VALIMISED KAASATUS SUNDPOLITISEERIMINE VARIA

Parteide rahastamise ja järelevalve korra kehtestab erakonnaseadus. Erakonnad võivad raha saada riigieelarvest, liikmemaksudest, üksikisikute annetustest ning tehitustest erakonna varaga. [Loe lähemalt](#)

Teemas "Rahastamine" on 282 ettepanekut. [Esita ka!](#)

Järjestaja aja / [tootuse](#) / [vastuhääle](#) / [arutelude](#) / juhuslik põhjal.

Riigikogu liikme lahkumishüvituse maksmise lõpetamine! (2)
Erik Vest umbes 1 kuu
Riigikogu liikme töö on nagu iga teine tähtajalise lepinguga töö, kus lahkumishüvituse maksmine peegle 4 aastast Riigikogus veedetud aega ei lähe kuidagi kokku tähtajalise lepingu olemusega. Kui uude Riigikogu koosseisu ei osutuda valituks, ju siis on see avalikkuse hinnang seal tehtud tööle. Kui aga osutud valituks, siis oled oma koha välja...

Valimisreklaami piirangute laiendamine (22)
Urmo Kübar umbes 1 kuu
Teen ettepaneku laiendada praegu kehtivat poliitilise välireklaami piirangut valimiskampaaniate perioodil ka valimisreklaamidele teles ja raadios. See altaks:
1) vähendada vajadust erakondade riigieelarvelise rahastamise järel, sest valimiskulutused on erakondade üheks suuremaks kuluks, sellist omakorda suurima osa moodustavad reklaamilkulud; 2)...

Figure 3: Voting on Rahvakogu Proposals. Source: Democracy Day One

In February, during the Grouping phase, the proposals were referred to a group of analysts from the Praxis Center, who divided the five categories into subcategories. Analysts at Praxis (an independent, non-profit, civil initiative think tank) read, summarized, and then grouped the proposals into 59 “bundles” by “applying essentially a methodology similar to grounded theory to find repeating motifs” (Liiv, interview with the author, 2018). In other words, the researchers identified patterns in the data by grouping the unorganized proposals into meaningful categories. The NGOs/Estonian Cooperation Assembly consortium invited a group of 30 experts in the fields of political science, law, and economics to analyze these bundles and to provide an impact assessment of what effect the proposals would have if enacted. While the use of domain experts was a strength of this approach from a data analytics perspective, “the lack of a digital approach to analyzing data can be then seen as the weakness” (Liiv, Interview with the author, 2018), as this behind-closed-doors process led to a lack of transparency in the offline portion of Rahvakogu.⁵



Figure 4: Deliberation Day Meeting. Source: Delfi

⁵ The details of this portion of the process remain somewhat hazy. Who selected these experts and the methodology the experts used to analyze the proposals is unclear.

A series of five seminars was held during the Synthesis phase in March, at which political representatives, experts, and citizens who had submitted proposals in the crowdsourcing process were eligible to participate. After considering the expert analyses, seminar participants rated the relevance of the issue bundles in order “to single out which of the ideas put forward on the online platform could best solve the problems” previously identified (Praxis, 2014). Participants then drafted proposals and discussed them in small-group meetings to synthesize their proposals into 18 discrete bills (Jonsson, 2015), in preparation for the face-to-face Deliberation Day.⁶

The live Rahvakogu event --the Deliberation Day-- was held on April 6, 2013. The total group of 314 randomly selected and representative citizens were divided into smaller groups of ten to facilitate discussion. Armed with briefing materials prepared by the expert group, and overseen by a moderator, each group deliberated and cast a formal vote to either accept or reject the proposals. In total, 15 of the 18 proposals were accepted by the People’s Assembly, which were then passed along to the Riigikogu (Estonia’s unicameral parliament). implemented or redefined as commitments in the government coalition programme” (Praxis, 2014) and the other eight were rejected.⁷

⁶ The term refers to Bruce Ackerman’s and James Fishkin’s (2004) book of the same name, in which the authors propose changes to the American political system to remedy the problems of lackluster civic engagement, the commodification of political campaigns, the failures of campaign finance reform. The keynote proposal of the book is Deliberation Day, which the authors describe as a two-day civic holiday held two weeks before the national election, where voters are invited to take part in small and large group meetings about central campaign issues, in order to foster “a more attentive and informed public” (Ackerman & Fishkin, 2004, p.3).

⁷ As articulated by Grimmson, Razgute, and Hinsberg (2015) of the Citizens Foundation, the submitted proposals were:

1. Regulate the process of informing the public and participating in the legislative process.*
2. Legalisation of citizen initiatives (petitions).†
3. Facilitate the procedure for holding a referendum for legislative proposals and other issues of public life.*
4. Change the way political parties are financed in such a manner that 50% of the money is divided equally between all parties that exceed the threshold and 50% between all parties that participate in elections depending on the number of votes they received.‡
5. Criminalise illegitimate donations to political parties.‡
6. Expand the power of the authority or committee that supervises the financing of political parties to check all of the economic activities of the parties financed by the state and their affiliate organisations.‡
7. Prohibit members of the Riigikogu from being members of the supervisory boards of public enterprises.*
8. Establish the legal liability of the supervisory board members of public and municipal enterprises.*
9. Allow for a political party to be founded with 200 members, instead of 1,000.†
10. Establish a maximum limit for the volume and/or cost of political advertising.*
11. Replace the election deposit with supporters' signatures.†
12. Lower the threshold in Riigikogu elections from five to three per cent to get a party into parliament.*
13. Distribute a compensation mandate on the basis of the number of votes given to the candidate.*
14. Grant a mandate to an independent candidate on the condition that they collect at least 75% of the district's simple quota.‡
15. Stipulate that elected candidates are obliged to start working in the selected position, define list of permitted exceptions.*

*= Rejected

†= Passed into law

‡= Adopted as policy or policy commitment

Since there was no formal legal mechanism for the Riigikogu to vote on laws drafted by an outside source, the President had to use his power to introduce the 15 bills to parliament. The Riigikogu eventually passed three of the proposals as law, while “four proposals have been partly.”

Participation

Opportunities to participate varied considerably across the different phases of the Rahvakogu process (See Table 1). During the crowdsourcing stage, everyone was invited to participate in the submission and commenting process. A small group of volunteers with a professional background were involved in the “bundling” and analysis of the proposals. The Deliberation Day discussions and voting opportunities were only open to a representative sample of Estonian citizens who had been randomly selected and invited to participate.

The key statistics of the Rahvakogu online process reveal several striking demographic disparities in participation. One survey found that a significantly larger number of men (+28%, $p < .01$) than women participated in the crowdsourcing phase; 74% of participants were men, while men make up only 46% of Estonia’s population (Jonsson, 2015). Likewise, crowdsourcing participants were significantly more likely to identify themselves as members of the political left (+5.4%, $p < .05$) or right (+5.7%, $p < .05$) rather than the center (-11.1%, $p < .01$). Compared to the general public, crowdsourcing participants were also more likely to be professionals, non-senior citizens, ethnically Estonian (as opposed to Russian, Estonia’s largest minority group), and to have a higher education (Jonsson, 2015). As a whole, participants were significantly more likely to have some prior experience in political activism, such as having worked in a political party (+4.5%, $p < .01$), signed a petition (+66.8%, $p < .01$), or participated in a boycott (+39.8%, $p < .01$) (Jonsson, 2015). For the Deliberation Day phase, 550 Estonian citizens were invited to participate, comprising a stratified random sample proportionally representing the age, sex, and residence demographics of the Estonian population, of which 314 participated (Praxis, 2014). Compared to Estonia’s population, the group who chose to participate were disproportionately made up of people 56 or older (+18%) and of those with higher level of education (+28%) (Leosk & Trechsel, 2016). All participants were volunteers and received no monetary or reward-based incentives. This may partly explain why participation was in large part limited to citizens with a history of political engagement, as others may not have seen the value in participating.

Phase	Who could participate?	Who did participate?
Crowdsourcing of Proposals	Anyone	Over 2,000 self-selected users. Most were well-educated, politically active Estonian men.
Categorization and Bundling	Praxis Center Researchers	Praxis Center Researchers
Analysis and Impact Assessment	Group of 30 Experts	Group of 30 Experts
Synthesis Seminars	Political representatives, experts, and citizens who had submitted proposals in the crowdsourcing process	Political representatives, experts, and citizens who had submitted proposals in the crowdsourcing process
Deliberation Day	Randomly-selected, representative, 550-person sample	Self-selected 314-person sample. Older and more highly educated than general population.
Riigikogu Voting on Proposals	Members of Parliament	Members of Parliament

Table 1: Opportunities for participation by phase

The public was made aware of the People's Assembly through both official and unofficial mechanisms. The high-profile Reform Party donation scandal received significant media attention, as did the subsequent protests. Charter 12 was also widely circulated in the media (Jonsson, 2015), while the Ice-Cellar Meeting was broadcast online (Praxis, 2014). Each step of the Rahvakogu process was also communicated to the population by Eesti Rahvusringhääling (ERR) --the Estonian Public Broadcasting network-- through a series of online articles from the beginning of the crowdsourcing phase (ERR, 2013a) to the introduction of the proposals to parliament (ERR, 2013b). Deliberation Day was described as a “major media event” which “attracted a great deal of public attention” (Karlsson et al., 2015).

Institutional Description and Impacts

President Ilves's office organized the Rahvakogu process together with a team of NGO's and without interference or oversight from the legislature or the political parties. The organizational structure was built upon the existing structures of the Estonian Cooperation Assembly, the Praxis

Centre for Policy Studies, the President's Office, and the other interest groups involved. These were each independent groups with various sources of funding. Primary funding was provided by the Estonian Cooperation Assembly (Hellam, Interview with the author, 2018), which itself is a network of 77 non-governmental organizations (NGOs) funded by the Estonian Government, and was established in 2007 by President Ilves to research long-term national policy recommendations. Each group took custody of one aspect of the project. The ECA was responsible for the design and management of the rahvakogu.ee portal, while the Praxis Center processed and analyzed the data submitted through the portal. OEF designed the Deliberation Day based on James Fishkin's model for a Deliberative Democracy (See Footnote 6). [Network of Estonian Nonprofit Organizations] managed the Deliberation Day event, while [Open Estonia Foundation] covered the operating costs via a €50,000 grant (Hellam, Interview with the author, 2018). Several of the other individuals involved, such as the experts panel, were unpaid volunteers (Jonsson, 2015). As Rahvakogu was an ad hoc effort that was not fully planned in advance, none of the participants or organizers received training prior to their work (Leosk, Interview with the author, 2018).

One of the adopted proposals in the 2012 process created Rahvaalgatus, a permanent mechanism by which Estonian citizens can propose and vote on policy changes (See "Mechanics of Raahvalgatus"). A second proposal lowered the required number of members to establish a political party to 500, a compromise between the People's Assembly's 200-member suggestion and the prior 1,000-member threshold. This legislation resulted in the creation of a new political party, Vabaerakond ("Free Party"), which formed with 650 members in 2014, and won eight seats in the 2015 Riigikogu elections (Leosk and Trechsel 2016). Another compromise halved the deposit required to run for election in the Riigikogu, in place of the People's Assembly's suggestion to replace the monetary deposit with supporters' signatures (Grimsson et al., 2015). In addition to these tangible changes, the overall impact of the process was the stabilization of the political climate and the easing of tensions in Estonia (Leosk, interview with the author, 2018).

Mechanics of Rahvaalgatus

Since the process was tried only once, Rahvakogu did not have the opportunity to adapt or to iterate using its experiences. However, some lessons learned were incorporated into the Rahvaalgatus ("Citizen's Initiative") platform. Hosted on the Estonian open-source CitizensOS platform (a non-profit project created by the [Let's Do It!](#) organization and funded through the Open Estonia Foundation) since March of 2016, Rahvaalgatus is the channel by which citizens can directly petition the Riigikogu. Rahvaalgatus allows citizens to create or co-create "Collective Addresses," or

policy proposals. Unlike Rahvakogu, Rahvaalgatus proposals do not need to fall into any pre-defined category.⁸ Users submit proposals with an up to three page explanation of the current problem and how the Address would rectify it, eliminating the need for an outside group to bundle and draft legislation. Other users are then able to comment on and discuss the proposals. Estonian residents who are least 16 years old can then digitally sign proposals using their full name and electronic ID number, or a Google or Facebook account (the preferred forms of login for many young people) (Leosk, Interview with the author, 2018).

The screenshot shows the homepage of Rahvaalgatus.ee. At the top, there is a navigation bar with language links (EST ENG RUS), the site name "Rahvaalgatus.ee", and menu items for "Initiatives", "Help", "About", and "Support Us". On the right side of the header is a "LOG IN OR REGISTER" button and a logo for "Uue eakuse rahvakogu".

The main content area features a large blue banner with the text "Welcome to the home of citizen initiatives!" and a subtext explaining the purpose of the platform: "Do you feel like some things could be done better in Estonia? Or that some regulations could be changed? Rahvaalgatus.ee enables you to compile and send collective addresses - with at least 1000 digital signatures - to the parliament of Estonia. Also, you can follow whether your proposal will be turned into draft act." Below this is a blue button labeled "CREATE AN INITIATIVE".

Below the banner is a central graphic with a hand-drawn style. It includes text like "Make proposals to the Estonian Parliament th...", "Invite to discuss", "Collect at least 1000 digital signatures", "YOU CAN TRACK", "FIND THE COMMITTEE'S DECISION", and "Parliament". There is also a video player icon.

The "IN PROGRESS" section displays three proposals:

- 6.07.2018 LASKE MEIL HINGATA! KOHTLA-JÄRVE LINNA ELANIKE PÖÖRDUMINE Riigikogu poole** by Olga Kurdovskaja. Status: 1 day left.
- 12.12.2016 Как создать обращение?** by Maarja-Leena Saar. Status: 4 days left.
- 2.07.2018 Küsimused & vastused: Kuidas e-lahenduste abil poliitikakujundamises ja seadusloomes osaleda?** by Maarja-Leena Saar. Status: 84 days left.

A question mark icon is located in the bottom right corner of the "IN PROGRESS" section.

Figure 5: Rahvaalgatus.ee homepage, with in-progress proposals

Proposals that receive 1,000 signatures are then transferred to the Board of Riigikogu, a body elected by and consisting of parliament members, which then has 30 days to decide whether or not

⁸ Rahvalgaatus proposals thus far have followed two major themes: environmentalism and public health. Of the 18 proposals that have been submitted to the parliamentary committees as of May 2018, the majority were handled by the Environmental Committee (n=6) and the Social Affairs Committee (n=4). Environmental proposals submitted to the Riigikogu have ranged from the protection of the habitat of flying squirrels, to the banning of the glyphosate herbicide, to the preservation of the Väike väin strait ecosystem (ECA, 2017). In early 2017, the ECA invited citizens to submit proposals aimed at solving future problems that will be caused by Estonia's aging population, particularly access to health insurance and the diminishing funds of the country's pension system (Derlos, 2017). Another high-profile proposal submitted to the Riigikogu aimed to decriminalize cannabis possession and legalize medical marijuana (ECA, 2017).

the proposal will proceed. The Board refers accepted proposals to a relevant Riigikogu Committee, which must discuss the proposal within three months; the Committee must also invite the creator of the Address to represent the proposal during at least one Committee meeting. Within six months, the Committee must decide to accept, partially accept, or reject the Address. If the proposal is accepted, the Committee may address the issue raised by drafting legislation, calling a public hearing, forwarding the Address to a relevant governmental or non-governmental institution, or by finding “an alternative way” to solve the problem. At each stage, the acting body must inform the creators of the status of their Address and if it is rejected, the reason for its rejection (Rahvalgatus.ee, 2016).

Rahvaalgatus minimizes the burden that the right to direct petitioning could otherwise have on Members of Parliament. (MPs), as it acts as a centralized replacement to the myriad official and unofficial petitioning platforms that existed prior to Rahvakogu. This prevents MPs from being inundated by petitions from various sources. The 1,000 signature threshold acts as a filter that selects only the most relevant and compelling proposals and sifts out the others, which prevents MPs from being overloaded with information. Parliament is also not obligated to discuss proposals that are clearly out of line with Estonia’s constitution, or that repeat the same topic as another Address that was discussed within a two-year time span. The commenting and voting mechanism allows for an automated, informal public consultation procedure from the very beginning of the lawmaking process. By receiving Collective Addresses, MPs can easily remain up-to-date on the issues that are most relevant to Estonian citizens. As these processes are largely automated on the Rahvaalgatus.ee platform, which itself is operated by the ECA, the workload allocated to Riigikogu Members is minimal. At the same time, the MPs ultimately retain control over which policy ideas are implemented and how this is done.

While the right to petition parliament was established in Estonia’s Constitution, the second Rahvakogu proposal submitted to and passed by the Riigikogu in 2014 as the [“Response to Memoranda and Requests for Explanations and Submission of Collective Addresses Act”](#) established the 1,000 signature threshold and other rules for petitioning. The Estonian Cooperation Assembly worked also with the creators of [ManaBalss.lv](#) (“MyVoice”), a similar platform in place in Latvia since 2011, to design the new platform [Rahvaalgatus] (Hellam, Interview with the author, 2018). Like ManaBalss, the new platform incorporates such features as an electronic ID

authentication system and a signature threshold that proposals must reach in order to advance.⁹ As of May 2018, the website has attracted an average of 10,000 visitors per month, with engagement on the platform growing from 2016 to 2017 (ECA & Chancellery, 2018).

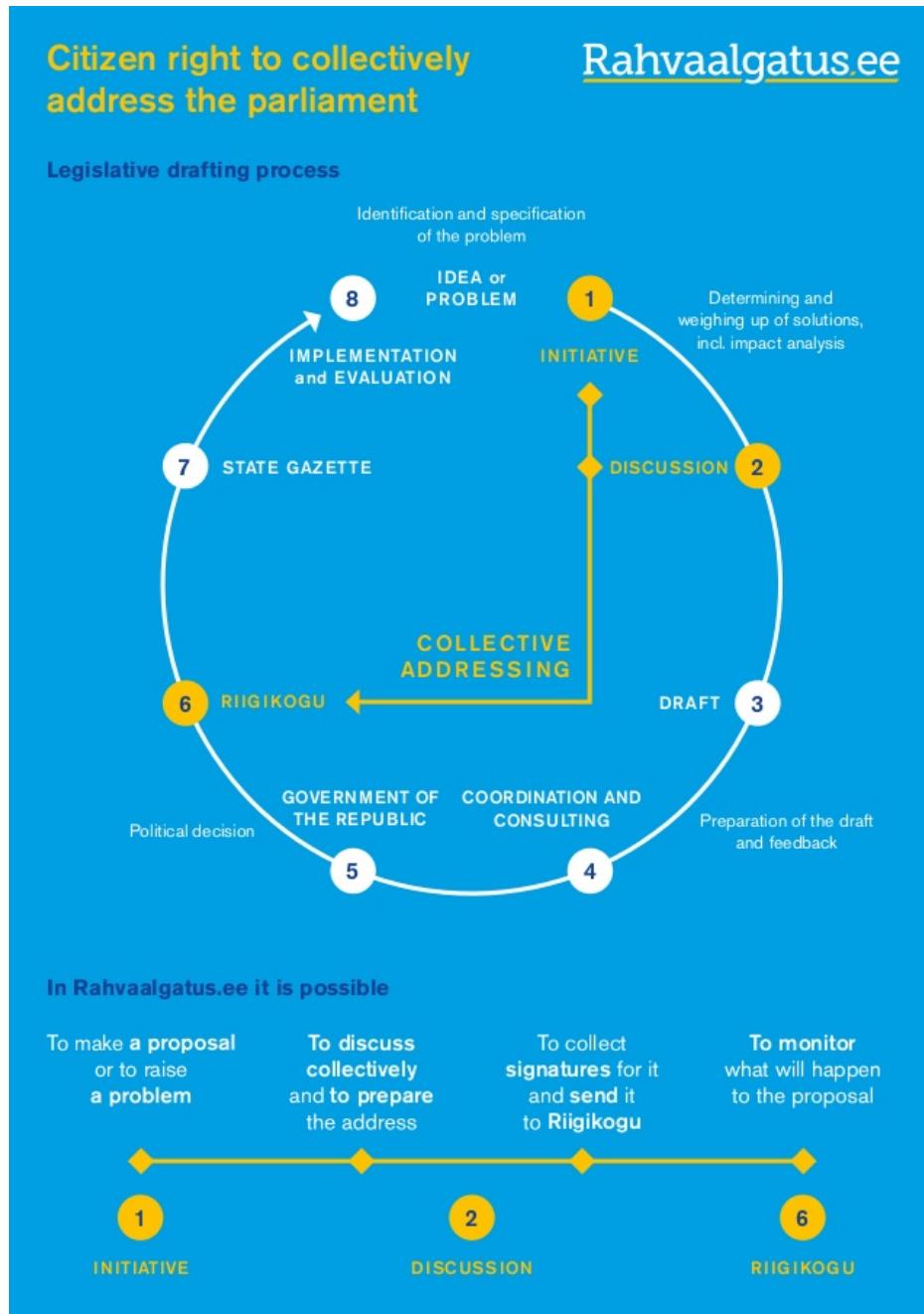


Figure 6: Process of drafting a bill through Rahvaalgatus.

Source: [Rahvaalgatus One pager](#)

⁹ Despite the countries' similar population sizes (Latvia has only about 600,000 more people than Estonia), the threshold for a proposal to advance on Latvia's platform is 10,000 signatures, significantly higher than Estonia's 1,000 signature threshold.

Risks and Challenges

There were several challenges that the organizers of Rahvakogu had to overcome. In a lecture at the Open Government Partnership Summit in 2013, Urmo Kübar, head of the Network of Estonian Nonprofit Organizations during the Rahvakogu initiative, noted that the greatest challenge the project had to overcome was skepticism (OGP, 2013). Some skeptics were apprehensive about opening up the lawmaking process to anyone, regardless of their educational background or professional experience. Mall Hellam, Director of the Open Estonia Foundation, added that some skepticism about the Rahvakogu and Rahvaalgatus was expressed by the media. (Interview with the author, 2018). An additional challenge from the initiative's onset was the fairly volatile political climate resulting from the Silver Meikar incident, in which there was a great deal of hostility directed toward Estonia's political parties by the electorate.

In this sense, there was also the added risk that the People's Assembly could be insufficient in meeting the reforms demanded by the people. Much of this risk hinged on the relationship (or lack thereof) between the People's Assembly and the Riigikogu, as the parliament could have rejected all of the proposals it heard which, in addition to nullifying the work done by the NGOs and volunteers involved with Rahvakogu, could have created more hostility toward the parties and the legislature.

These risks and challenges were partially overcome through a strategy led by the President and Estonian Cooperation Assembly rather than the legislature, with minimal input from the major political parties. As the President of Estonia is largely a figurehead position with no executive power, and since the public generally has a higher level of trust in the President's Office than in the Government as whole, this leadership strategy minimized the backlash that otherwise may have derailed the initiative (Karlsson et al., 2015). This strategy was not without criticism, however, as some in the media argued that a government-involved process could not succeed, and objected to the use of public funds.¹⁰ Still others argued that the [Rahvakogu] initiative did not go far enough, and should have been institutionalized as a permanent system. This, however, was not feasible as, after the project's completion, there was little funding or political will to keep the project going (Hellam, Interview with the author, 2018).

¹⁰ Although the ECA functions like an NGO, the association was founded by Fmr. President Ilves in 2007, and receives public funding via the President's Office.

As Rahvakogu relied on technology only for the proposal stage and was able to use an open-source platform, there were few technological constraints. The one-time nature of the project enabled several of the strategies to be used that would be not be economically or politically feasible in the long-term, since the project relied on a substantial amount of labor-intensive pro bono work to transform the raw proposals submitted by the people into something useable by the legislature. Perhaps the most significant constraint on the project was time, as the project was rolled out very quickly in order to address the civil unrest brewing at the end of 2013; this accounts for the short timespan allocated to the crowdsourcing phase. Legally, the project operated in a gray area; while there was no explicit provision for civilians to propose or introduce policy changes to the Riigikogu, there was no law preventing it either.

While many of Rahvakogu's issues were addressed with the creation of Raahvalgatus in 2016, some others persist. The nature of the Rahvakogu project left much of the discretion in the hands of the Riigikogu (a lingering issue with Rahvaalgatus), which largely chose to reject the proposals that would have curbed many of the powers and privileges of its members. For instance, parliament rejected one proposal which would have prohibited legislators from serving in both the national government and in local councils, and another which would have created a procedure for voting on certain bills in public referenda. Similarly, the Rahvaalgatus mechanism leaves the ultimate fate of proposals up to one or more Riigikogu commissions. This makes it somewhat difficult to measure the impact of the platform, as even accepted proposals do not necessarily result in direct legislation.

Reactions

Many consider Rahvakogu to be a successful project with room for improvement (Liiv, interview with the author, 2018; Hellam, interview with the author, 2018). Mall Hellam states that Rahvakogu was successful as a one-time project, but that the project lacked the attention or political will to continue long-term. Also, serious effort has to be made to provide better civic education in schools, as well as offering funding opportunities for organizations in the NGO sector who aim to educate people about different forms and methods of modern democracy. Similarly, Dr. Innar Liiv, Associate Professor of Data Science at Tallinn University of Technology, sees the initiative as a success due to the role played by the President and questions whether the project could have worked without the President's involvement (Interview with the author, 2018). Nele Leosk, CEO and Senior Digital Governance Expert at International Governance Leadership, sees the project's timing as an additional strength, as the well-timed initiative captured the attention of potential participants and

the media. The country's history of public participation online readied its people to participate in Rahvakogu (Leosk, Interview with the author, 2018).

Other commentators were more critical. In a Postimees interview, MP Jüri Adams compared the People's Assembly to a lucky game of Russian Roulette which could have unraveled Estonia's parliamentary democracy, arguing that the project's "unusually sensible result" would likely not be repeated if the project were tried again (Esle, 2013).

Several experts also identified areas of improvement. One weakness of the project was that the platform disproportionately drew upon the opinions of young, professional Estonian men rather than the "crowd" as a whole. Nele Leosk notes that for projects like Rahvakogu, often one means of participation is not sufficient, because different demographic groups prefer to participate in different ways. As crowdsourcing primarily attracts a certain type of person, other methods should be considered if the goal is to reach a wider range of people (Interview with the author, 2018). On the other hand, Mall Hellam contends that similar projects in the future do not necessarily need to involve or be marketed toward the whole population, as not everyone will want to join; it is more important to engage the proper stakeholders, even if these groups are not the most visible. This requires finding an adequate source of funding to properly develop the platform and a strategy to effectively communicate the platform to stakeholders (Interview with the author, 2018).

The entire Rahvakogu process was intended to be transparent, with the entire population invited to participate, and with each step of the process explained via public media. However, Leosk notes that transparency in decision-making was lacking at some stages. For instance, the criteria or methodology on which the proposals that were debated during Deliberation Day were chosen, and how exactly these proposals were agreed upon, remains unclear. This ambiguity is partly a result of Rahvakogu's unplanned nature (Interview with the author, 2018).

An additional weakness was that Rahvakogu was unsuccessful in restoring trust in Estonia's institutions, at least among its participants. A survey of Rahvakogu participants found that 65% experienced a decrease in trust in the government, political parties and parliament, while only 10% increased their trust. By contrast, 40% of respondents increased their trust in their fellow citizens, while only 13% experienced a decrease in trust. Notably, participants who had higher levels of satisfaction in Estonia's democracy were significantly more likely to experience an increase in institutional satisfaction. Additionally, participants that gained trust in institutions were less likely to

gain trust in civil society, and vice versa (Karlsson et al., 2015). This indicates that Rahvakogu has done little to ease the dissatisfaction that some Estonians feel with their government.

Though, when put into the Estonian context, these findings are somewhat dubious. Dr. Innar Liiv remarks that Estonians experienced extraordinarily high levels of trust in government after regaining independence from the Soviet Union in 1991. Thereafter, Estonians' trust in government has declined naturally as it "converges" with lower levels of trust in the rest of the world (Liiv, interview with the author, 2018). An additional consideration is that Rahvakogu participants were not a representative sample of Estonia's population, and so these results may not be generalizable to Estonia's wider population. Anecdotally, some say that Rahvakogu improved the political situation and smoothed the relationship between the government and civic society (Leosk, Interview with the author, 2018). Indeed, according to data from the biyearly European Social Survey, the percentage of Estonians with lower-end levels of trust¹¹ in their country's parliament dropped from 55.3% in 2012 to 48% in 2014.¹² Though, as this decrease in low trust continued, dropping to 43.8% in 2016 (well after the end of Rahvakogu but before the launch of Rahvaalgatus) the improvement cannot directly be attributed to the People's Assembly.

When describing Rahvaalgatus in February of 2018, Estonian Cooperation Assembly Director Teele Pehk stated that the site has a "user-friendly approach supported with systemic work with (potential) users and stakeholders responsible for inter-linked processes," and called it the "forerunner of (e-)democracy in Estonia." Though, Pehk concluded that "30+ collective addresses [submitted through Rahvaalgatus] have not had a measurable impact on how the Estonian society is being governed or problems solved" (2017). Pehk also described a "vicious circle of distrust" that continues to hinder public participation on the Rahvaalgatus platform (2018). Likewise, Mall Hellam observed that while the [Rahvaalgatus] website works well, it is not very well publicized by the media or by Estonia's politicians.

Key Learnings

Despite its shortcomings, Rahvakogu is a most relevant CrowdLaw exemplar because of its key features: a hybrid online and offline approach and rigorous focus on a single area of policy. The

¹¹ ESS presents this question as a Likert scale ranging from zero to 10, where zero is "no trust" and 10 is "complete trust". "Lower-end" refers to a score of four or lower.

¹² Data were tabulated and weighted using the Norwegian Social Science Data Services [online data tool](#) on the ESS website. These data were weighted using the "post-stratification weight including design weight" option, as per the ESS [guide on weighting data](#).

adoption of an existing, tested Icelandic crowdsourcing platform allowed the organizers of Rahvakogu to quickly roll out the Rahvakogu web page and to modify it to better suit their purposes. The use of predefined categories on the platform indicates that limiting proposals to a certain set of topics successfully focused the debate on identifying solutions to key issues. However, a complementary offline component was also necessary to fill the gaps in participation; as crowdsourcing platforms tend to be used disproportionately by young, well-educated, politically active men, a portion of the process where participation is assigned through random representative sampling can allow for a sample that better represents a country's population. The offline process also allowed for consultation by experts, analysts, and political representatives to ensure that proposals were high-quality and high-impact. In future projects, offline involvement should be done in as transparent a manner as possible.

Although non-governmental organizations and the executive branch rather than the legislative branch led the Rahvakogu effort, the creation of the institutionalized CrowdLaw mechanism Rahvaalgatus ultimately benefited Parliament. Through Rahvaalgatus, Members of Parliament continue to benefit from a institutionalized, centralized, and curated stream of policy ideas which prevents an overload of information, and allows MPs to remain current on the issues that are most relevant to their constituency. From an institutional perspective, actors outside of the elected government can play a key role in facilitating public engagement in lawmaking.

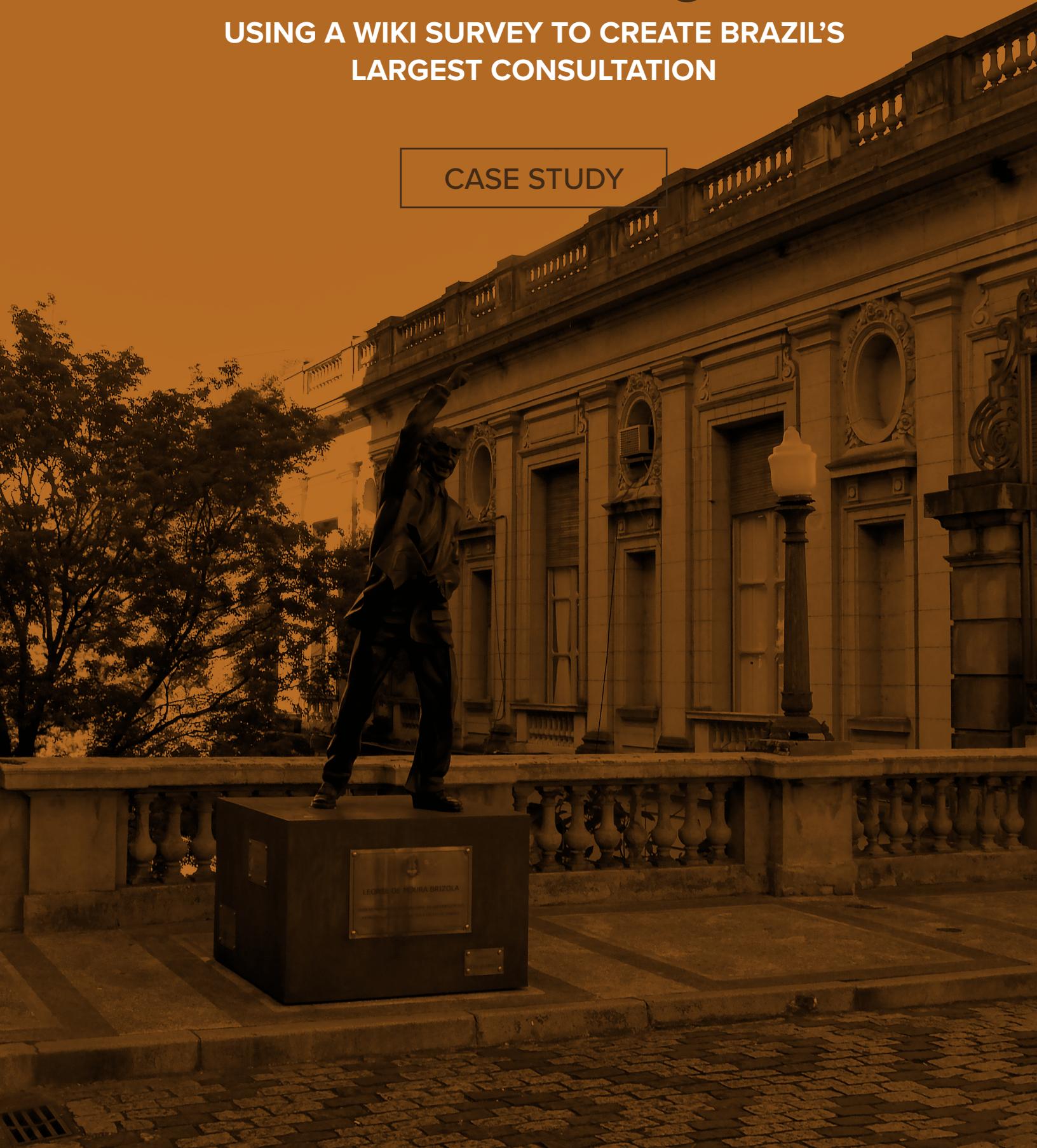


CROWDLAW FOR CONGRESS SERIES

Governador Pergunta

USING A WIKI SURVEY TO CREATE BRAZIL'S
LARGEST CONSULTATION

CASE STUDY



Governador Pergunta (Governor Asks) | USING A WIKI SURVEY TO CREATE BRAZIL'S LARGEST CONSULTATION

Introduction

From 2011-12, the Brazilian State of Rio Grande do Sul ran Governor Pergunta (“Governor Asks”) to engage citizens in policymaking using the novel “wiki survey” technique. Invented by Princeton professor of sociology Matthew Salganik, a wiki survey presents respondents with a question and then a random series of two answer choices. People select the response they prefer (or “I can’t decide” as a third answer) or they may submit their own response. As people are repeatedly selecting between two options, it is sometimes called “voting.” This pairwise voting is faster and easier than responding to a long survey. People can answer as many or as few questions as they choose and, with enough people participating, the resulting list is a rank ordered list of the answer choices. Then-Governor Tarso Genro used Salganik’s free and open source All Our Ideas wiki survey tool to engage residents (see Fig 1), first, on public health care in 2011 and then on traffic safety in 2012, each over a one month period.

The screenshot shows a user interface for a wiki survey. At the top left is a profile icon with the text "Saúde da Família". On the right, a message says "Você ainda não votou". Below the title are two survey items:

- Saúde da Família**: The text reads "Colocar mais médicos especialistas e terminar com a lista de espera," followed by a large empty area for comments and a blue button "Escolher esta contribuição".
- Educação física**: The text reads "Mais profissionais de educação física concursados trabalhando em saúde preventiva," followed by a large empty area for comments and a blue button "Escolher esta contribuição".

At the bottom, there are two buttons: "Não consigo decidir" and "Ver todas as contribuições".

Screenshot of the Governor Asks Wiki survey.

The online approach allowed the State to attract thousands of participants in a short time frame. The 2012 project was Brazil's largest public consultation of all time with over 100,000 participants. All Our Ideas has also been used in 14,000 citizen engagement projects around the world. Most

recently, AARP, the nation's largest nonprofit used an All Our Ideas wiki survey to engage over 6,000 members in developing policy about big health data in 2019 and the New Jersey State Future of Work Task Force used the platform to engage with workers in 2020. (The new design can be seen in Fig. 2)

The screenshot shows the 'All Our Ideas' platform interface. At the top, there is a navigation bar with a blue logo and the text 'ALL OUR IDEAS'. On the right side of the bar are three buttons: 'Cast Votes', 'View Results', and 'About this page'. Below the bar, a large white box contains a bold black text asking: 'What is your greater concern about the impact of technology on lifelong learning and skill building?'. Two blue rectangular boxes below the question contain the following text:
Left box: 'Online training programs, which are becoming more popular, are not as effective as in-person programs.'
Right box: 'Private, for-profit certificate programs typically do not increase worker earnings.'
At the bottom of the main box, there is a light gray button labeled 'I can't decide' and the text '26 votes on 51 ideas'. Below this, there is a text input field with the placeholder 'Add your own concern here (Character limit 140 characters)...'.

The new design of All Our Ideas. Available online at allourideas.org

Background

Rio Grande do Sul, a southern state with eleven million residents, has a rich history of innovative citizen engagement initiatives. The state's capital, Porto Alegre, hosted the world's first participatory budgeting initiative in 1989. A similar participatory budgeting program was run at the state level between 1999 and 2002. Governor Genro created the 'Gabinete Digital' (Digital Cabinet) in 2011 to institutionalize an online version of the participatory budgeting program while also launching three new initiatives:

► Governor Asks

- **Governor Responds** - a platform in which the governor responded to the inquiries raised in the Governor Asks sessions. Each month, the governor responded to the question that received the most votes in a video.
- **Governor Listens** - a series of public audiences (broadcast live online) in which the governor and citizens came together to discuss issues of importance to the public.

Project Description

The first edition of Governor Asks ran from November 9 to December 9, 2011 on the topic of healthcare, as it had previously been identified as a priority in the state's participatory budgeting initiative. During the first phase of the process, which ran until November 30, 2011, users submitted 13000 policy proposals to improve public health care. Specifically, citizens were asked to submit proposals according to five themes: Family Health, Comprehensive Care, Urgency and Emergency, Access to Medicines and Health in Your Region.

The platform registered 122,000 survey responses. The authors of the 50 proposals that received the most "votes" (10 from each theme) were invited to meet with Governor Genro and other authorities at Piratini Palace (the Governor's Office) to further discuss their ideas, a meeting which was live streamed on the Internet. At the outset of the process, the state government agreed that the 50 most voted proposals (10 from each theme) will receive a response from the Government and support the formulation of public policies for health. One example of implementation is shown by a proposal from Ricardo Ferriera, who asked for 24-hour healthcare clinics. In response, the government opened an emergency clinic in Lindóia. Whether the rest of the proposals were adopted or carried out is unknown, but it is likely that some action was produced as the process was repeated shortly after.

The second iteration of Governor Asks focused on the issue of traffic safety and addressed the question of how government and society can together promote "peace for drivers" (paz no trânsito). The goal was to reduce by half the 2,300 traffic fatalities that occurred annually in the state by 2020. As the Governor wrote: "We are breaking down the bureaucratic barriers that exist between the state and the citizens. But changing the reality of traffic depends on a cultural change, which values civilized coexistence over speed and violence" The 2012 Governor Asks went on to become the largest digital consultation in Brazil's history. The process followed the same steps as the public health instance, with the only difference being that over 100,000 people participated and

cast over 240,000 votes on 600 proposals across five issue areas: Education, Road Safety, Communication, Legislation and Health.

Once this window for submissions closed, users had approximately one week to vote on the proposals, which included suggestions from the government as well as citizen submissions. Once again, the authors of the top voted proposals were invited to meet in person with the Governor. However, this time, the State government committed to implement the top two proposals with the most votes in each of the five categories by 2014. For example, one proposal led to the state creating free bus and metro passes for low income students.



The 2012 meeting between Governor Genro and participants at Piratini Palace

Source: <https://blog.allourideas.org/post/75399372139/the-governor-asks-again>

Participation

Governor Genro and the team behind Governador Pergunta made concerted efforts to engage the public at every step of both editions. Throughout the entire first iteration, the Governor held meetings and in-person events with civil societies, public health leaders, and citizens in several

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municipalities, many of which were open to the public. After the window for proposal submissions closed, the Governor's office launched a major public outreach campaign to encourage people to prioritize the proposals by responding to the wiki survey. To boost participation, in addition to the public events, there was also a "voting van" equipped with computers that drove around to public spaces throughout the state so that residents could easily participate. It is estimated that the van covered 800km in the capital and metropolitan region of the state, encompassing several municipalities. Finally, more computers were even installed in public spaces in the capital along with seven Telecenters where users could respond. Approximately 60,000 people were said to have participated in Governador Pregunta in 2011.



The "voting van" (source: <https://estado.rs.gov.br/entra-no-ar-o-portal-de-acesso-ao-governador-pergunta>)

In the second edition of Governador Pregunta, the team increased its outreach efforts. For example, they modified their version of All Our Ideas to be optimized for mobile devices and tablets, making it easier to bring participation to people in public spaces. This modified version was developed in collaboration with UK civil society organization mysociety.org and was funded by a grant from the ICT4Gov Program at the World Bank. In this instance, two voting vans covered an estimated 1500

kilometers over 22 cities. In addition, the state set up more than 150 fixed participation points in public spaces and government agencies. There were also several cities where student organizations mobilized to support the effort. Finally, staff from the Digital Cabinet and State Traffic Committee traveled to speak at various in-person events. These endeavors proved fruitful as the number of participants increased to over 100,000 people.



Visits from the voting van in the second instance (source: <https://blog.allourideas.org/post/75399372139/the-governor-asks-again>)

Impact

Building on Brazil's history of successful public engagement experiments, Rio del Sul's extensive use of wiki surveys to rapidly engage citizens in policymaking demonstrated how it is possible to effectively marshall citizen expertise at scale. There was dramatic growth from the first to the second edition of the program with many lessons for how to market participation opportunities. Unfortunately, there is a dearth of documentation about the ultimate implementation of citizen-written and selected proposals. But the continued and repeated use of this type of pairwise voting or wiki survey tool showcases an alternative for rapid and broad engagement.



DRAFTING

Lawmaking involves turning good ideas into written proposals for a bill. WikiLegis enables Brazilians to edit and comment on draft legislative text. By giving the public insight into the drafting process, online participation enhances transparency.



CROWDLAW FOR CONGRESS SERIES

MUDAMOS

THE CITIZEN INITIATIVE APP

<https://mudamos.org>

CASE STUDY



MUDAMOS | THE CITIZEN INITIATIVE APP

Introduction

Brazil became known for its participatory democratic institutions and for pioneering participatory budgeting (PB) in the city of Porto Alegre in 1986, a deliberative process that enables ordinary citizens to determine how a portion of the municipal budget will be spent. Now PB is in practice in more than 1,500 cities around the world. Once again, Brazil is leading the world with a new, secure and verifiable way for citizens to write draft bills and vote to support that citizen proposals be considered by the legislature. With 700,000 people signing up in the first year of this CrowdLaw initiative, Mudamos (We Change) could be the linchpin to enabling collaborative drafting of legislation and unlocking the power of direct democracy in practice.

Mudamos is a mobile application that enables Brazil's citizens to participate in lawmaking by proposing their own bills and signing onto one another's proposals using verified electronic signatures.

Any citizen with a smartphone (Android or iOS) can download the app and register with their electoral ID, name and address, information which Mudamos keeps secure and verifies with Brazil's Electoral Court. The app issues what is known as a cryptographic key pair, a small piece of code used for verification. One half of the key is stored on the user's phone and the other with Mudamos, which makes it possible to authenticate a person's signature. In this way,

members of the public can draft and sign petitions in a manner that is verifiable and secure.

Brazil's Constitution provides several direct democratic mechanisms, including the referendum, plebiscite, and citizens' initiatives. The initiative mechanism allows any citizen to propose a draft bill to the lower house of municipal, state or federal legislatures. If the proposal gets the requisite number of signatures from registered voters in support, then the campaign organizers present the bill before the House. Once the signatures are verified, the Speaker assigns a House committee to start bill discussion that could lead (or not) to the bill becoming a law. At the federal level, the minimum amount of signatures is 1.5 million, which is problematic to organize using paper-based petitions. Popular initiatives to collect signatures are often paper-based which, apart from being

costly, also present problems of transparency and integrity. In fact, no citizen bill has ever been approved at the national level due to the verification barrier and participation costs.

The Institute for Technology and Society (ITS Rio) created Mudamos in 2017 to reduce the high costs of creating paper-based petitions by offering a verifiable online mechanism for the creation and signing of citizen petitions offering a robust means of participation that, in turn, should help to raise citizens' degree of trust in political institutions and contribute to the construction of participatory rules and norms.

Since its launch, the Mudamos CrowdLaw initiative has had significant impact:

- The large numbers of downloads, petitions and signatures enabled by the tool has positively impacted political culture.
- The availability of a secure and verifiable petition mechanism has made a constitutional provision on direct democracy real in practice.
- It had led to the creation of a model legal framework regarding electronic participation and its adoption at different institutional levels

In this report, we will describe the background conditions that allowed Mudamos to take off, the design and key features of the process and the tool. Following this section, we will describe the institutional impacts of the project in more detail and, finally, share some lessons learned from the experience.

Background

Since the Federal Constitution was approved in 1998, Brazil has had a law which allows citizens to propose draft bills once the petition has met the requisite threshold for signatures. At the federal level, a draft bill needs a minimum of 1.5 million verified signatures to be presented to the Lower House. The logistical barriers to collect and validate these signatures, together with voters' identifications and addresses, are the greatest obstacles in this process.¹ As a result, to date no citizen-drafted bill has ever been approved. In a few instances, interested politicians have "adopted" the draft bill and presented it as if they authored it, eliminating the need for verifying the signatures. In other words, members of Congress act as proxies for citizens to claim their direct participation rights.

¹ TEIXEIRA, L. A. (2008). A Iniciativa Popular de Lei no Contexto do Processo Legislativo: Problemas, Limites e alternativas. 2008: Monografia para Curso de Especialização. Câmara dos Deputados: Centro de Formação, Treinamento e Aperfeiçoamento. Available at: <http://bd.camara.gov.br/bd/handle/bdcamara/10190?show=full>. p. 9.

At the national level, the following draft bills were proposed by citizens and “adopted” by a congressman:

LAW	SIGNATURES	FORMAL PROPONENT	CONGRESS DISCUSSION	LAW SUBJECT
8.930 from 1994 “Daniella Perez Law”	1.3 million	Executive Branch	From 1993 to 1994	Increase penalty for homicide crimes.
9.840 from 1999 Electoral corruption law	1.6 million	Congressman Albérico Cordeiro	1999	Against bribes for voters and other electoral offenses.
11.124 from 2005 National Housing Fund	1 million	Congressman Nilmário Miranda	From 1992 to 2005	National Housing Fund creation.
135 from 2010 "Cleanstate Law"	1.6 million	Congressmen Antonio Carlos Biscaia, Arnaldo Jardim, Camilo Cola, Carlos Sampaio, Celso Maldaner, Chico Alencar, Domingos Dutra, Dr. Rosinha and others. ²	From 1993 to 2010	It makes ineligible for eight years any official who has the mandate revoked, resign to avoid prosecution or is condemned by decision of a court majority opinion.
Bill 4.850 from 2016 Ten anti-corruption measures	2 million	Congressmen Antonio Carlos Mendes Thame, Diego Garcia, Fernando Francischini, João Campos and others. ³	Since 2016	Create new measures to fight against corruption and increase penalties for those convicted by corruption crimes.

FIGURE 1: NATIONAL CITIZENS' INITIATIVE DRAFT BILLS IN BRAZIL.

One of the most controversial citizen-drafted bills was called “ten anti-corruption measures.” In March 2015, the Ministério Público Federal (“MPF”), the Brazilian Federal Prosecution Service, released 10 proposals to reinforce the fight against corruption in the country and in, July 2015, started a campaign to gather signatures in various Brazilian cities. Less than five months later, in December 2015, the campaign reached 1 million signatures and two months later it overcame the 1.5 million signature threshold. On March 29, 2016, members of the Federal Prosecution Service and civil society actors presented more than 2 million signatures to the National Congress in support of the draft bill.

² The authors list is available on <http://www.camara.gov.br/proposicoesWeb/prop_autores?idProposicao=452953>. Last access on January 18th 2017.

³ The authors list is available on <<http://www.camara.gov.br/proposicoesWeb/fichadetramitacao?idProposicao=2080604>>. Last access on January 18th 2017

In much the same way that citizen-drafted bills were presented to Brazil's Congress in the past, a group of members of Congress formally "adopted" the initiative (See Table 1), introducing it as formal legislation. On the next day, a fast track discussion for the Bill was approved by the legislature. While the discussion in the House of representatives received a lot of public attention, the controversial side of the new proposal was revealed when some members of Congress stated the new Bill would give too much power to the Federal Prosecutors. Many of the more stringent measures were greatly modified or removed entirely by the members of Congress. Federal Prosecutors accused members of Congress of trying to stop the "fight on corruption" while House representatives claimed the challenged provisions were authoritarian and unconstitutional. In the end, only two of ten measures were approved.⁴

On November 30, 2016, the diluted Bill was ratified by the House and sent to the Senate. However, before it was discussed in the Senate, Justice Luiz Fux of the Supreme Court decided the Bill should be sent back to the House due to the "deviant practices," employed during its consideration by the House.⁵ Justice Fux also decreed that it was necessary to check all the citizen signatures provided in support of the Bill. The verification process started in February, 2017 and finished a month later. It was the first time the signatures on a popular petition had been vetted. But according to a House staff report, this process involved little more than counting the signatures and ensuring complete information (e.g., name, electoral ID, and signature), none of which was actually validated.⁶

Even though there is no publicly available information, off-the-record talks with some public servants in the House revealed that the signatures were not verified because the House did not have the means to proof two million signatures. Identification information in Brazil is held by the states' executive branches. At the national level, the Superior Electoral Court manages the country's biometric signature program. It alone has the capacity to verify the signatures of all voting age citizens. The legislature does not have the means, by itself, to compare signatures with official citizen records. In addition, verifying signatures one by one could take a long time as the House does not have personnel adequate to the task.

⁴ See <http://fcpamericas.com/english/anti-corruption-compliance/brazils-10-measures-corruption-chamber-deputies-approves-lava-jato-task-force-proposal/>.

⁵ See <http://portal.stf.jus.br/processos/detalhe.asp?incidente=5103492>.

⁶ See <http://www.camara.gov.br/proposicoesWeb/prop_mostrarIntegra?codteor=1540249&filename=Tramitacao-PL+4850/2016>.

Aware of this problem and proposing a way to use technology to overcome this challenge, the Institute for Technology and Society (ITS Rio) wrote a project proposal to create a mobile application to allow citizens to present electronic signatures in support of citizens' initiative draft bills. The app was developed by ITS Rio with funds from the Google Impact Challenge 2016 award. ITS Rio is a Brazilian NGO which designed Mudamos and conducted the project with the support of other companies and organizations. The development started in October 2016 and in April 2017, the app was launched simultaneously on Google's Android Play Store⁷ and Apple's App Store.⁸ In the first month, Mudamos was downloaded by more than 250,000 people and became the trending app on Brazil's application stores, prompted by a viral video made by a Mudamos user and spread through the messaging platform WhatsApp with the message that now "people can participate directly in politics without any intermediary."⁹ One year after its launch Mudamos had been downloaded by more than 650,000 people. By October 2018 that number climbed to more than 700,000 people.

Three factors made Mudamos possible at that point in time:

- **Legal Framework:** With an existing legal framework in place, citizen initiatives were theoretically possible but practically impossible due to the prohibitive cost and complexity. Digital tools bring down the cost of authoring proposals and obtaining and verifying signatures, thus creating greater incentives to political participation. It got stronger when political institutions perceived the necessity to update their norms to respond to this new digital scenario due to the difficulty of verifying signatures.
- **Technological Viability:** With the ever-growing interest and research into cryptography technologies, more professionals are discovering new applications for them. Mudamos created a cheap way to allow citizens to create strong signatures which are trackable and verifiable.
- **Funding:** The Google Impact Challenge award provided the necessary enabling capital to kickstart the project. The funding received was invested in hiring a team of specialists to design and program the app and support the project operations team.

⁷ See <<https://play.google.com/store/apps/details?id=org.mudamos.petition>>

⁸ See <<https://itunes.apple.com/br/app/mudamos/id1214485690>>.

⁹ See <<https://www.youtube.com/watch?v=E8PU3zm9oic>>.

Mechanics of Mudamos

Mudamos comprises three parts: 1) The app's secure and verifiable digital signature technology; 2) the process for proposing, analyzing and improving proposed bills; and 3) in-person Virada Legislativa (legal draft-a-thon) events. Together, this combination of technology and process make this digital citizens' initiative program workable in practice.

Mudamos Online Platform

Political behavior of both citizens and politicians has been changing rapidly together with new technological, social and political contexts; political participation is not exclusively in the offline world anymore, with institutions becoming receptive to digital engagement and the Internet.^{10 11} Currently, thanks to the Internet and other technologies, it is possible to collect signatures throughout Brazil and verify them automatically. Digital signatures already had their relevance

Political behavior of both citizens and politicians has been changing rapidly together with new technological, social and political contexts: political participation is not exclusively in the offline world anymore, with institutions becoming receptive to digital engagement and the Internet.

recognized and used in common civic procedures, as instituted by the Presidency Act MPV 2200/2001, and in legal acts, as instituted by Law 11419/06.¹¹ However, since the cost of obtaining official digital certificates is prohibitive, they did not gain widespread adoption and a mere .005% of Brazilians have them.¹²

Digital signatures based on certificates issued by the Brazilian government have the advantage that they are legally

binding, meaning any documents signed using those certificates are recognized by any authority as authentic for any purpose, from the recognition of a debt to real estate transactions. However, when we talk about political rights, we do not need signatures to be that strong because people's support of causes are the expression of their political desire, not legal intent. Signature campaigns

¹⁰ ALMEIDA, G. de A. (2015) Marco Civil da Internet – Antecedentes, Formulação Colaborativa e Resultados Alcançados. In: Gustavo Artese - Coordenador, Marco Civil da Internet Análise Jurídica Sob uma Perspectiva Empresarial.. São Paulo: Quartier Latin.

¹¹ Law No. 11419 of 2006 regulates the digitalization of the legal process.

¹² Based on the number of certificates issued in 2018 by the National Certificate Authority of Brazil over a population of 200 million people. Source: <https://www.iti.gov.br/ranking-de-emissoes>

need only ensure that signatories have the constitutional right to sign the draft bill and signatures only need to allow for public scrutiny to audit the political support given to the bill.

Taking this into account, Mudamos created a way to allow people to sign draft bills using self-issued certificates using their own smartphones. The technology stack used by Mudamos is the same used by certificate authorities to issue certificates, excluding the fact Mudamos is not a recognized authority to issue legally-binding certificates. That is to say, while Mudamos-issued certificates cannot be used to authenticate a contract in court, nonetheless the signatures are technically unbreakable and verifiable and well-suited to the purpose of ascertaining citizen wishes but without the cost of doing so through one of a handful of monopoly legal certificate providers. In short, Mudamos created a secure and affordable way for people to express themselves politically through digital means.

Anyone who has an electoral ID and a smartphone (Android or iOS) can download the Mudamos app and create or sign citizens' draft bills listed on the platform. When Mudamos users install the app, they get a cryptographic key pair to secure their signature. The model established by ITS Rio for Mudamos assumes that no actor in the process of collecting signatures would have all the pieces of information necessary to produce new signatures. At the same time, all users would have access to the information they need to check any new signature generated within the system using asymmetric cryptographic techniques. This type of technique is based on algorithms that require a pair of keys, the first being private (that should remain secret) and the second being public; although they are different, the key pair is mathematically linked. The private key is used to create a digital signature while the public key is used to verify a digital signature (Figure 2).¹³

¹³ See Mozilla Foundation. Introduction to Public-Key Cryptography https://developer.mozilla.org/en-US/docs/Archive/Security/Introduction_to_Public-Key_Cryptography

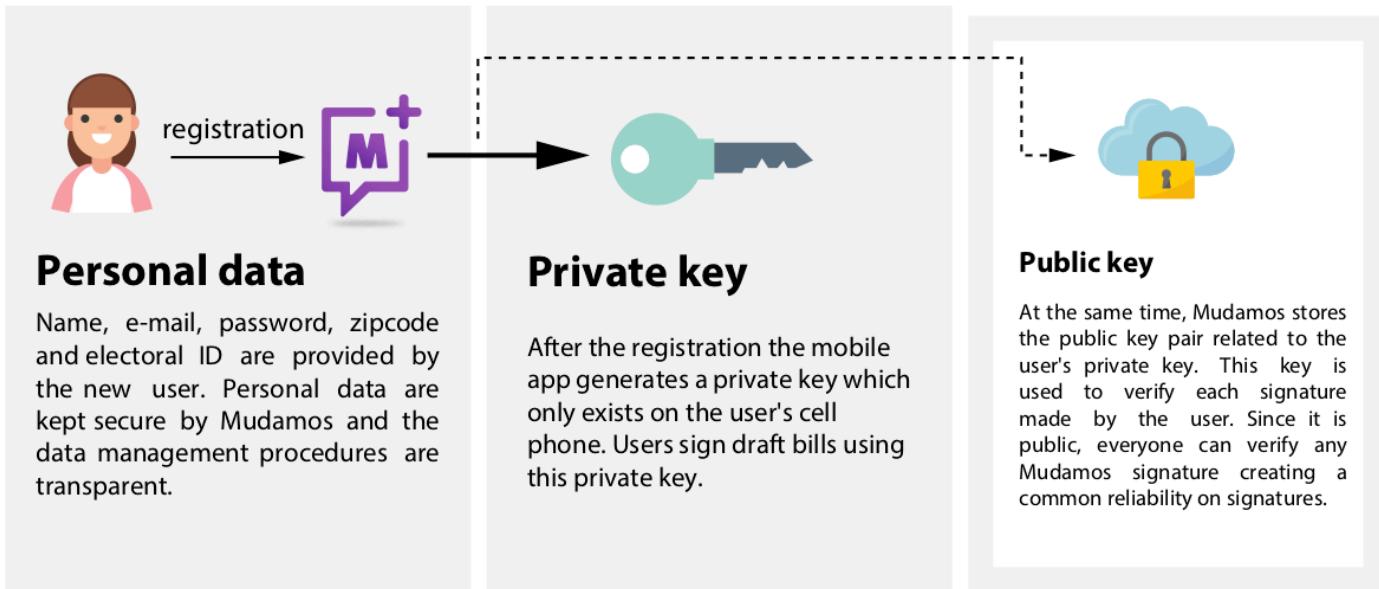


FIGURE 2: MUDAMOS REGISTRATION AND KEY PAIR GENERATION

Mudamos signatures are founded in three fundamental principles: uniqueness, verifiability and auditability.

The **uniqueness** of the signatures is guaranteed by the association of the unique electoral ID number combined with the signature timestamp and the user's private key. The private key generates a unique hash based on the data reported for the signature (Figure 3).

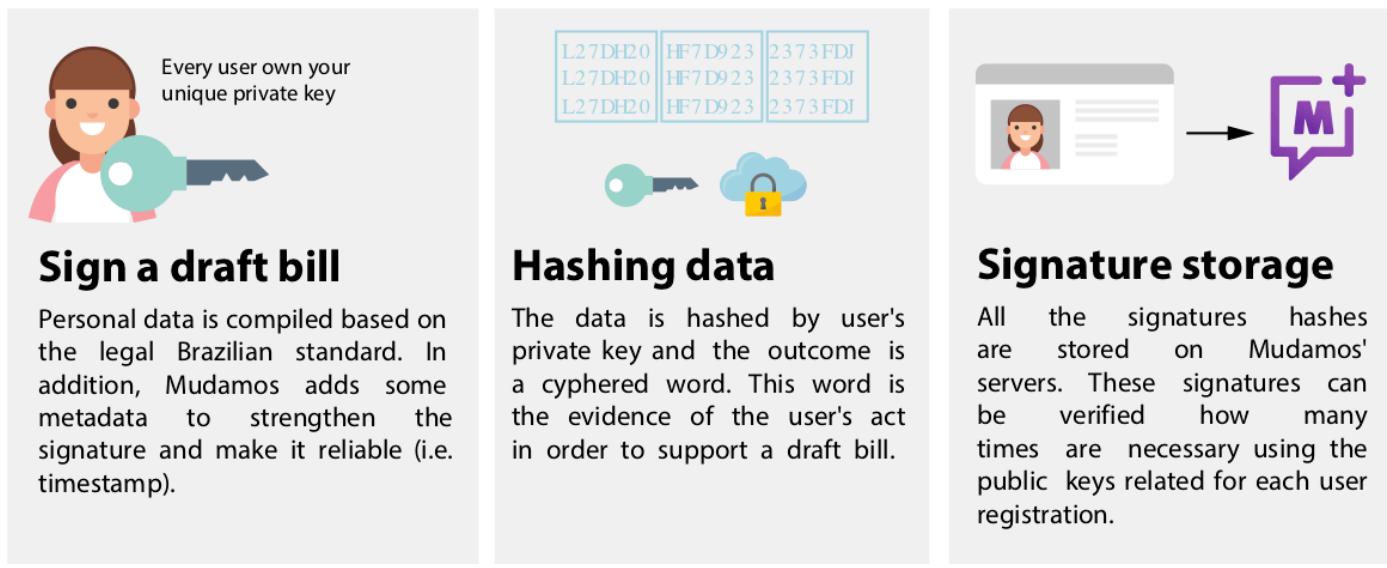


FIGURE 3: SIGN UP PROCESS

Verifiability is guaranteed by publishing the user's public key along with the data given for the signature and the signature hash. In this way, anyone interested in checking any signature has the capability to do so.

In order to make the whole process **auditable**, Mudamos publishes the signatures list periodically by registering the files in public blockchain networks (Figure 4), where they can be publicly scrutinized.¹⁴ This ensures that signature lists are immutable, and if an interested agent wants to audit the entire signing process, from the first signature collected, they have the capability to do it without relying on Mudamos or any other agent.



FIGURE 4: MUDAMOS SIGNATURES LIST PUBLISHING

Proposing a Bill

Mudamos not only allows users to sign in support of a bill but also to suggest new draft bills for signature collection. To propose a draft bill, the user needs to answer the following questions: 1) draft bill name; 2) draft bill content; 3) which level the bill addresses (national, state, municipality); 4) video description (optional); 5) whether there is a law related to this draft bill (yes or no).

¹⁴ Blockchain is a shared, trusted, public ledger of transactions, that everyone can inspect but which no single user controls. It is a cryptographic, secure, tamper-resistant distributed database. See more: <https://hackernoon.com/blockchain-technology-explained-introduction-meaning-and-applications-edbd6759a2b2>.



Olá, você está na área de proposição de projetos de lei de iniciativa popular do aplicativo Mudamos.

Siga os próximos passos para enviar seu projeto :)

Vamos lá!

carrega em [ENTER](#)

FIGURE 5: WELCOME SCREEN FOR PROPOSING DRAFT BILLS ON MUDAMOS

Legal Analysis

Since Mudamos has been released, the platform has received more than 8,000 draft bill proposals. In its early days, the Mudamos legal team consisted of a single specialist who was responsible for analyzing the large number of proposals. To address the volume, Mudamos's creators have designed a volunteer program. Since January 2018, ITS Rio uses crowdsourcing to engage young lawyers to assist in the analysis of the proposals.

The volunteer program had 63 applications, mostly by young lawyers. Many were from Rio de Janeiro, but all regions were represented in the applicant pool. After an evaluation process, Mudamos selected 26 volunteers who attended a course supported by ITS. The course was delivered as a webinar (online) in March 2018 and covered topics such as the legislative process, draft bill proposers communication protocol and experience sharing.

Before draft bills are published in the platform, the Mudamos volunteer legal team performs a legal analysis to verify whether the draft bill has all the constitutional requirements to be framed as a CROWDLAW FOR CONGRESS

formal petition. If it satisfies the constitutional requirements, the bill is uploaded on the platform and published for signature-gathering immediately. If it does not, the bill's author receives a feedback report based on the analysis recommending changes or explaining why the proposal cannot be accepted as a citizens' initiative bill.

Virada Legislativa Events

Eighteen months after its initial release, Mudamos improved not only its software platform but also its workflow. As new features were added it was necessary to create procedures to face new project challenges. When Mudamos began to accept new draft bill proposals, it quickly became clear that people did not know how to format their petitions as a formal bill.

There were many good ideas that were not properly formatted as a draft bill proposal, putting more strain on the volunteer legal team to get the bill into shape. To overcome this situation the Mudamos team created a side project called Virada Legislativa (legal draft-a-thon). The Virada Legislativa is a one-day in-person event to develop draft bills collectively -- a draft-a-thon -- addressing a single issue and within a timeframe.

The event is divided into stages. To focus on establishing the basis for the debate and an introductory reflection moment for participants to recognize each other and their ideas in the group, the first stage consists of a multi-stakeholder panel and the next stage is a fishbowl conversation with the audience, including the first stage panelists.¹⁵

The following three steps are directed at the actual drafting of the proposals and based on the first reflections: address the draft bill's main objective, write down general definitions and, finally, draft bill devices. At this point the group is divided into thematic areas taken as the result of the two first stages of the draft-a-thons. All working groups are supported by mentors (both specialists in the issue addressed as well as legal experts) to draft the bills.

The last two stages are the “test” of the bill and its publication on Mudamos. For the “test,” the group chooses a representative to present the proposal to a standing committee formed by parliamentarians who play the role of consultants to improve the bill. The final version of the draft bill is published on Mudamos and then the signature collection starts.

¹⁵ See <[https://en.wikipedia.org/wiki/Fishbowl_\(conversation\)](https://en.wikipedia.org/wiki/Fishbowl_(conversation))>.



FIGURE 6: DRAFT-A-THON PHASES AND METHODOLOGY

“Virada Legislativa” is ruled by three principles:

- **multi-stakeholderism:** the more diverse the sectors participating in the activity, the stronger will be the proposal drafted, as it will take into account various points of view and interests.
- **collaboration:** all the participants co-create the proposals, exchanging ideas and trying to reach consensus, with active listening and respectful communication. This is mediated by group facilitators previously trained by Mudamos’s team.
- **open call and online/offline interaction:** the activity is open to the participation of all citizens, without any kind of selection. Despite the draft-a-thon taking place in person, it is connected to the online space through tools such as live streaming, commenting and suggesting on digital platforms.



FIGURE 7: PICTURE FROM THE FIRST VIRADA LEGISLATIVA HELD IN THE CITY OF JOÃO PESSOA, STATE OF PARAÍBA. PHOTOGRAPHER: YASMIN TAINÁ.

The first “Virada Legislativa” took place in João Pessoa and addressed urban mobility, with the collaboration of civil society organizations, academia, and local public administration. More than 100 people participated in the activity as well as 20 group facilitators and 15 city councilors. The participants collectively drafted five proposals on issues such as transport integration, sidewalk standardization and open data on the transport system. Another “Virada Legislativa” took place in Rio de Janeiro on entrepreneurship. In this legal draft-a-thon, one draft bill was developed on decreasing the highly bureaucratic procedures for opening a company in the country. Besides

these “Viradas,” various workshops on this methodology have been conducted, aiming at multiplying its applicability.



FIGURE 8: FISHBOWL CONVERSATION WITH A COUNSELOR TALKING AT THE SAME LEVEL OF OTHER PARTICIPANTS. PHOTOGRAPHER: YASMIN TAINÁ.

To date, there have been three Virada Legislativa events with 200 participants leading to 12 new draft bills on the platform which altogether have received 6,014 signatures. Despite the low levels of subsequent participation on the app, the live events had a significant impact. The best of the Viradas Legislativas saw city councilors and citizens sitting down together to collaborate around lawmaking. The city of João Pessoa, where two Viradas Legislativas took place, changed their participatory culture from an ordinary consultation process to a real collaboration between citizens and officials.

A Note on Lower Levels of Government

As noted, the Constitution provides for citizen petitions at every level of government. With the advent of the Internet, every branch of government has begun to digitize in some way. For example, the executive branch launched a Digital Transformation Agenda.¹⁶ Although the judiciary has digitized the paperwork involved in legal proceedings, many states and cities in Brazil still face challenges with digitization.

Regional legislative houses and local councils generally do not have the technological resources to update their procedures for accepting citizen claims. Among all the Brazilian states and capitals, only Rio de Janeiro,¹⁷ Santa Catarina¹⁸ and Porto Alegre¹⁹ have institutionalized citizens' initiatives electronically through the Internet. The state of Amapá²⁰ announced the launch of a digital portal to receive such draft bills, however it is still not available. In the state of São Paulo, Law 162 of 2008 was presented to "regulate popular initiatives started in the World Wide Web." However, the bill has still not been voted on, even after positive legal advice by the Commission of Constitution and Justice of the Legislative Assembly of the State of São Paulo. In Curitiba, Bill 005.00189 from 2013 also allows the collection of signatures on such draft bills digitally, but it is still in the process of being implemented. Against this backdrop of underdevelopment in the states, Mudamos may be the best available model for effective direct democratic participation and support for representatives and public servants in their aims to modernize.

Participation

Participation across the different aspects of the program is demographically diverse, sometimes in surprising ways. Although the ITS Rio team strove to reach young people with the project, the platform has become more popular among older people in Brazil. Mudamos users have a high average age of 43.7 and this average is increasing as time passes. At the outset the average age was 41. It is too early to draw a conclusion, although the appeal for older voters may be the result of generational views about political engagement and trust in government. While older generations

¹⁶ See Estratégia Brasileira para a Transformação Digital (E-Digital). https://www.governodigital.gov.br/documentos-e-arquivos/estrategiadigital.pdf/at_download/file

¹⁷ Article No. 119 of Rio de Janeiro state Constitution.

¹⁸ Article No. 2 of Brazilian Law 16585 of 2015.

¹⁹ Article No. 98 of Porto Alegre Municipal Organic Law.

²⁰ BARBOSA, C. Assembleia Legislativa do Estado de Amapá. Pela internet, cidadão poderá ajudar a produzir projetos de lei da Assembleia Legislativa. Available at: http://www.al.ap.gov.br/pagina.php?pg=exibir_not&idnoticia=1545.

may be attracted by the time and cost saving of online participation, younger people take the online aspect for granted but want to be sure that their participation matters and will be impactful.

Of the 700,000 signed up, half are active users. Brazilian cities with the greatest number of users are São Paulo (28,651), Rio de Janeiro (24,795), Brasília (22,748) and Belo Horizonte (8,589). This distribution on Mudamos for the first three cities almost represents what was counted by the Brazilian Institute of Geography and Statistics on the last census.²¹ Mudamos is well represented geographically throughout the country, but the gender distribution is heavily skewed as the vast majority of platform registered users are male (74%).

The platform and volunteers differ greatly in average age. In its volunteer program, Mudamos currently has 26 young lawyers working on draft bills proposal analysis and review. They are spread over different regions as follows: sixteen in the Southeast; two in the South; two in the Midwest; two in the Northeast; one in the North; and two overseas. Mudamos volunteers are coordinated by Mudamos staff at ITS Rio, who are responsible for distributing proposals among volunteers. Seventeen of the volunteers are women and the overall average age is 25 years.

Finally, three editions of the Virada Legislativa have had more than 170 participants. If we add in all the participating experts and stakeholders from different sectors, the number would be over two hundred. The gender distribution among all legislative draft-a-thons participants was balanced between men and women. The average age of all participants across the three editions of Virada Legislativa is 35 years- in between the app's users and the volunteers who manage the program.

Institutional and cultural changes

With the massive adoption within a few months after its launch, Mudamos has not only been leading a technological turn in politics, but has also fostering institutional and cultural changes by making the once-theoretical possibility of direct democracy real in practice.

Perhaps the most significant impact of the program is the transformation of political life from a largely closed door to a more participatory process. Before Mudamos, Brazilian citizens were generally not aware they could propose draft bills. After Mudamos was released they have been excited by the “new” institutional mechanism available to them to influence politics. At the same

²¹ See <https://en.wikipedia.org/wiki/Brazilian_Institute_of_Geography_and_Statistics>. (11/26/2018). Original source in Portuguese: <ftp://ftp.ibge.gov.br/Estimativas_de_Populacao/Estimativas_2016/estimativa_dou_2016_20160913.pdf>. (11/26/2018).

With the massive adoption within a few months after its launch, Mudamos has been leading, not only a technological turn in politics, but has also fostering institutional and cultural changes by making the once-theoretical possibility of direct democracy real in practice.

time, politicians have started to pay attention to Mudamos and its ability to ease the signature gathering for citizens' initiatives draft bills.

At the national level, in late 2016 and throughout 2017, Congress was discussing the issue of political reform. In April 2017, a few days after Mudamos's first release, ITS Rio was invited to discuss and present Mudamos to the congressional Political Reform Committee, led by its speaker

Congressmember Vicente Cândido. That hearing led to draft bill 7574 of 2017, which would update the citizens' initiative law to recognize the new electronic mechanism.²² The bill is still under negotiation in the National Lower House and is ready for a floor vote. In addition to this legislative reform, Mudamos supported the efforts of members of Congress to facilitate the use of electronic signatures for civic participation by addressing congressional internal rules and procedures. In 2017, Congressman Alessandro Molon presented two proposals to make Congress ready to receive electronic signatures for citizens' initiative draft bills.²³

Taking into account the difficulty in making change at the national level, the Mudamos team also directed efforts on local changes. In João Pessoa, capital of Paraíba state, municipal law 13041 (2015) regulates the use of electronic signatures in petitions.²⁴ However, since its approval, there have been no adequate technical tools to give effect to this law. Recognizing Mudamos as a cheap and accessible technical option, on May 9, 2017, at a public ceremony held by the city council, Mudamos was designated the official channel to present citizens' initiative draft bills.

²² See <<http://www2.camara.leg.br/atividade-legislativa/discursos-e-notas-taquigraficas/discursos-em-destaque/reforma-politica-1/relatorio-parcial-1-da-reforma-politica>>.

²³ See <http://www.camara.gov.br/proposicoesWeb/prop_mostrarIntegra;jsessionid=8BE310908A0DBAC8152C6D999F3CA310.proposicoesWebExterno2?codteor=1540588&filename=INC+3228/2017> and <http://www.camara.gov.br/proposicoesWeb/prop_mostrarIntegra?codteor=1542795>.

²⁴ See <<https://leismunicipais.com.br/a/pb/j/joao-pessoa/lei-ordinaria/2015/1305/13041/lei-ordinaria-n-13041-2015-disciplina-a-iniciativa-popular-de-leis-a-que-se-refere-o-art-31-da-lei-organica-do-municipio-de-joao-pessoa?q=13041>>.

In addition to Mudamos being widely recognized by the general public, some public servants and representatives have also looked to make it the main channel for proposing draft bills in other states. With their experience in João Pessoa serving as inspiration for institutional change, the Mudamos team created a draft legal framework to support both legislative houses of Congress with updating their procedures. This legal framework is a collection of documents that can be used by representatives and public servants as a template to create new norms to allow electronic signatures to be accepted in their legislative houses. It is equally useful for state and local legislatures as well as the federal level. Following this framework, the City of Divinópolis in Minas Gerais institutionalized Mudamos through a memorandum of understanding where ITS Rio supports the efforts of their legislative houses to update their norms and procedures to be prepared to accept electronic signatures.

In addition to changing norms and practices, Mudamos has also strengthened Brazilian political culture and literacy on collaborative law building. Since the launch of Mudamos, the people have demonstrated they have a strong will to participate and good ideas to propose. Mudamos has received more than 8,000 ideas for possible draft bills, but none of the proposals were, in fact, written as such. Without any experience with political participation, the knowledge of how to participate in political processes is under-developed. The lack of experience combined with the arcane and legalistic nature of the lawmaking process, which is very jargon-filled and detached from citizens' everyday reality, have given rise to anticipated challenges of needing to "translate" between the needs and desires of ordinary citizens and the formalistic demands of the legislative process.



FIGURE 9: FINAL PICTURE OF JOÃO PESSOA'S VIRADA LEGISLATIVA.

ITS Rio addressed this problem by developing the “Virada Legislativa.” But the need for new mechanisms to strengthen people’s ability to participate in CrowdLaw processes -- and the ability of institutions to make use of their expertise and input -- is still an ongoing process.

Risks and Challenges

Despite all it has to offer, Mudamos’s electronic signature is not a national standard and the major risk to the Mudamos project is the contesting of the validity of its signatures by legislative bodies or in courts. Actually, Mudamos is facing a challenge from the legislative house of the Federal District, where Mudamos signatures were not accepted in support of a citizen’s initiative draft bill, which called for reducing the House budget. Since an electronic signature standard is not established by law or even by a House of Representatives rule, the decision whether or not to accept Mudamos signatures is discretionary. To mitigate this scenario, ITS drafted a report about citizen initiatives bills arguing that electronic signatures should be accepted based on the current legislation.²⁵ In addition, the Mudamos team has been talking to members of Congress and other leaders, pushing for legislation to standardize electronic signatures. The Mudamos legal framework is another approach to build dialogue bridges between technicians, activists, and legislative houses to support local and national legislative change.

²⁵ See <https://itsrio.org/iniciativapopular>. Accessed November 24, 2018.

Another risk faced by Mudamos is the adoption rate of the app (350,000 active users) in relation to the number of signatures required to propose a national level draft bill (1.5 million). Despite the fact that Mudamos had at least four viral waves since its launch, new user registrations are not growing at a substantial rate. Continuous engagement on Mudamos requires fostering internal variables, such as better user experience and strategic communication for action, and external variables, such as the participatory will of the people which leads to more interest in collaboration and representation in the political process. Mudamos launched its second major version (2.0) in January 2019, seeking user experience improvements, especially features to make sharing campaigns easier.

Mudamos started using public Blockchain as part of its technical architecture, aiming to create a completely transparent and accountable system for verifying signatures. However, after almost two years, the Mudamos team realizes that the availability of this secure infrastructure where anyone can “look under the hood” does not de facto mean anyone is actually doing so. As with the volunteer lawyers, there is a need to develop an independent, crowdsourced technical governance mechanism to ensure that the system maintains its legitimacy.

Finally, the populist, right-wing president elected in 2018, Jair Bolsonaro, has reinstated authoritarian tendencies. It is, thus far not known how changes in politics will impact political culture in Brazil in the near and longer-term. One can surmise that the trend in government toward more autocratic behavior could end up depressing political mobilization and participation. Or, to the contrary, Mudamos may become more popular than ever if it escapes legal challenge.

Conclusion

In many respects, Mudamos -- the app, the process, the model legal framework and the Virada Legislativas events -- have been an unqualified success. With 700,000 people signing up, participation across the geographic and age spectrum (albeit much gender imbalance) and 800 new bills drafted, it represents a sea change in democratic participation for Brazil. Importantly, the launch of the app reinforced the lesson that merely putting the process online would not be enough to cultivate long atrophied participation skills. If citizens are not used to doing something based on paper, they will not change their behavior to do it digitally. The addition of the volunteer, crowdsourced legal team and the live events for collaborative bill drafting have been instrumental to upgrading the quality and usefulness of participation. At the same time, after a stratospheric launch in the early months, participation is slowing especially as a result of no legislation drafted by

the public having yet been enacted. However, the steady use of social and mass media channels is necessary to keep people engaged.

Mudamos will need to update its strategy now for the longer-term to turn the idea of “crowd drafting” or direct democratic participation in the drafting of legislation into enacted law. This will require technological improvements, making the app better and introducing better governance mechanisms to enable scrutiny of the program. At the same time, they must invest in participation literacy and continue the work of making people aware of their constitutional right to introduce new legislation as well as educating them about how to do so, especially through grassroots collaboration. Finally, to realize the potential for combining direct with representative democracy, they need to institutionalize these practices by advocating for the recognition of the platform and its practices and the more regularized and systematic monitoring of citizen engagement by Brazil’s legislatures. Maybe then they can aspire, as with participatory budgeting, to have Mudamos in use in every parliament, city council and congress around the world.



CROWDLAW FOR CONGRESS SERIES

CONSTITUCIÓN CDMX

CROWDSOURCING MEXICO CITY'S CONSTITUTION

constitucion.cdmx.gob.mx

CASE STUDY



CONSTITUCIÓN CDMX | CROWDSOURCING MEXICO CITY'S CONSTITUTION

Background

Earning the same rights and liberties as other states in the Mexican Republic had been a long fought social and political battle of Mexico's capital city. Twenty years after the first mayoral election – the President used to appoint the city's mayor – the creation of the first local constitution was supposed to be another milestone in the city's democratization process. But a complex local political scenario and a nationwide distrust in government raised questions about the real utility of a new constitution for the continent's biggest city.

Mexicans' trust in government and, more troubling, satisfaction with democracy, is at historic lows. According to the Pew Research Center, a mere 2% of the Mexican population trust their government and only 6% of Mexicans are satisfied with the democratic system itself. These levels of dissatisfaction are below any other regional or international comparisons.

Against this backdrop, when the National Congress designed a process for the creation of the city's first constitution which did not contemplate public engagement, it threatened the legitimacy of the occasion. Instead, they granted the Mayor of Mexico City the exclusive authority to create the draft of the constitution, which would then be voted on by members of a Constitutional Assembly (40% appointed by other government branches and 60% democratically elected). But no popular participation was contemplated despite the fact that the new constitution would lay the groundwork for all other legal and institutional reforms to follow.

Historically, Mexico City's laws and institutions, especially regarding public security and budgetary affairs, had to have the Federal authorities' approval. However, its new legal status granted the capital city more autonomy. Thus, following the enactment of a new constitution, a complete overhaul of existing laws would need to follow. Any lack of legitimacy of the original process could have called into question the legitimacy of these subsequent enactments and negatively impacted people's hopes and expectations for the city's future.

Given this starting point, Mexico City had to come up with creative ways to innovate and recover the population's trust in the constitutional process, while imagining new ways of communicating the importance of the new constitution in daily life. By using accessible yet substantive mechanisms,

the city's adoption of CrowdLaw practices -- enabling ordinary citizens to participate -- would transform this fraught process into a more legitimate and effective one.

Mechanics of Constitución CDMX

In order to open up the constitutive process, the Mayor established a Working Group (WG), comprised of 30 leading citizens from different spheres of city life. Among the members of this group were activists, poets, artists, Olympians, constitutional experts, and deans and academic authorities of national universities. Parallel to this, the Mayor instructed Laboratorio para la Ciudad – Mexico City's creativity and experimentation office– to develop a methodology and platform to channel popular opinions and proposals made for the Constitution to this working group.

The Mayor committed not to veto or modify any draft made by the Working Group without the platform's input.

The Lab for Mexico City hired a small civic tech startup, at the cost of \$15,000, to build a digital platform to facilitate public input. Staff at Laboratorio para la Ciudad and Mexico City's General Counsel Office, who collaborated during the six-month period the platform remained active, jointly managed the process.

The challenge was to design a platform versatile enough to fully comply with the Mayor's commitment to integrate into the constitution all opinions and proposals generated by the people, regardless of the user's knowledge of constitutional affairs, their academic background, or level of interest in public affairs.



FIGURE 1: CONSTITUCIÓN CDMX DIGITAL PLATFORM

The platform offered four different options for the user to participate, depending on their interest in the matter, time availability, and level of knowledge about specific affairs, and used Change.org and volunteers from Mexico City's public high schools, who promoted offline participation in public spaces, as two mechanisms for spreading the word about the opportunity to participate.

One participatory mechanism was the survey *Imagina tu Ciudad*, designed to elicit the citizen's hopes and fears, expectations, challenges, and ideas for the future of the city. Through a seven-question survey, the government aimed to obtain information on a general level about the people's hopes and expectations for the future of the city, the main challenges they identified, as well as its most valuable assets. This mechanism led to 31,000 geo-tagged submissions. This survey allowed the user and the government to navigate – by neighborhood, age, and gender – citizens' gravest concerns and their visions for the future.

Another way to interact with the platform was to draft an online petition via Change.org. Mexico City's government became the first Mexican authority to commit to specific actions depending on the number of signatures the petition would gather. Any petition that obtain 5,000 signatures received a formal legal analysis by the city with that legal opinion sent to the petition-maker and signees. With 10,000 signatures, the citizen got to present their proposal to three representatives of the Working Group. Those whose petitions surpassed a 50,000 signature threshold presented their

petitions in a working session with the Mayor, who committed to explicitly include them in the constitutional draft to be debated and discussed.

Within six months, 341 proposals were submitted as online petitions, and signed by more than 400,000 unique users.¹ Four petitions surpassed the 50,000 signatures threshold, while another 11 got more than 10,000 signatures. In total, 14 petitions were successfully included in the Constitutional draft.

The third mechanism was another collaborative drafting platform but this one gave people the chance to annotate and comment on essays written by the members of the Working Group dealing with constitutional theory, technical proposals, and academic papers. This platform was based on MIT Media Lab's PubPub, which was used for policy-making and public affairs by Mexico City in previous exercises. This mechanism allowed citizens to enrich published essays with commentaries and suggestions and open up discussions over specific contents of the text they deemed relevant.

Annotation platforms might present themselves as the most obvious mechanism to engage in a CrowdLaw initiative. However, the team that implemented Constitución CDMX faced many challenges when trying to get people to engage in the discussion through it. It was the least popular participatory mechanism for the Mexico City exercise, due to the complexity of the texts it contained and its unapproachability by a general audience.

The fourth mechanism of Constitución CDMX allowed citizens to register any event they organized related to the Constitution. Additionally, organizers could upload their event's ideas and recommendations to the collaborative drafting platform and receive feedback from other users.

¹ Due to inactivity, some petitions have been disabled by Change.org. Thus, the Movement's mini-site might not currently display peak numbers.

¿CÓMO PARTICIPO?

El proceso de participación para generar propuestas y transmitir preferencias ya cerró. Ahora puedes comentar el proyecto de Constitución elaborado por el grupo redactor y presentado por el Jefe de Gobierno.

La elaboración de éste Proyecto es resultado de la participación ciudadana:



IMAGINA TU CIUDAD

¿Cuál es el espíritu de nuestra Ciudad y qué queremos para su futuro?

Queremos conocer tu visión sobre la Ciudad de México. Nos interesa saber cuáles crees que son sus mayores retos y qué tipo de oportunidades te brinda.

Contestar este cuestionario toma aproximadamente 10 minutos. Al final, recibirás un certificado de participación a nombre del Grupo de Trabajo.

FIGURE 2: “HOW TO PARTICIPATE?” THE PLATFORM HOSTED FOUR DIFFERENT TOOLS FOR CIVIC ENGAGEMENT, AND AN EXTERNAL LINK TO THE LOCAL ELECTORAL INSTITUTE’S WEBPAGE.
SOURCE: CONSTITUCIÓN CDMX DIGITAL PLATFORM.

Each week, the managing team would present to the working group a summary of the platform’s activity, including petitions’ growth and new answers to the survey, as well as a summary of the registered events and collaborative essays. These inputs were discussed by the Group in its weekly meetings and integrated into the texts that would eventually become the city’s first constitution.

Crowd Constitutionmaking in Action

Patricio, a 16-year old high school student, lives in Magdalena Contreras, a borough in the southwestern outskirts of Mexico City proper. Waters from the surrounding mountains descend to the Valley of Mexico through this borough. Being a daily witness to the deteriorating state of the rivers in his neighborhood, Patricio started an online petition asking the City to include in the constitution the cleansing and rescue of Mexico City's rivers.

Patricio's petition in Change.org gathered more than 17,000 signatures. Even though he was not old enough to cast a vote for the Constitutional Assembly that approved the constitution, his voice was part of the group of citizens whose proposals were included in the Constitutional draft. Now,

Mexico City has to set forward a 20-year programmatic strategy towards the recovery of its rivers, water bodies and resources (article 16, Section B of Mexico City's Constitution).

Patricio's story is an example of how the Constitución CDMX platform achieved its objective of including the voices of all those who wanted to participate in the drafting process of the constitution, regardless of their citizenship status, background, age or educational level. Moreover, his involvement and engagement in the process went beyond the traditional conception and mechanisms of electoral democracy, and even participatory democracy, that demand a minimum age to take into consideration the opinions and needs of many members of the community.

Institutional Impacts

Mexico City now has a constitution created through a popular co-creation process that managed to channel hundreds of thousands of citizen inputs and efficiently process them into useful insights. Besides the benefits this open process represents, it is important to note that the most progressive aspects in the constitution have their origin in the civic engagement process: Marriage equality, the explicit recognition of the Right to the City, rights of indigenous and aboriginal peoples, cultural rights, pro-choice policies, marijuana consumption, and other aspects of the constitution were supported by citizens' petitions and proposals delivered through Constitución CDMX.

By combining a process of self-selected public engagement with a selection process where members of the constitutional assembly were at least in part elected, the City was able to enhance the legitimacy of the process.

Being a progressive hub in the middle of a highly conservative country, Mexico City managed to imprint in its new constitution the will of its people to continue to lead the Human Rights agenda, the recognition of liberties, and the protection of diversity, despite Federal opposition to these subjects. On an international scale, this document set a high bar for cities worldwide in the acknowledgement and recognition of new approaches to urban challenges for the 21st century.

Approximately 84% of the content produced by this co-creation scheme was approved by a qualified majority in the Constitutional Assembly and entered into force as Mexico City's first constitution on September 17, 2018. The required majority couldn't have been reached by the Mayor's political allies on their own, but was made possible by a citizen-led process for developing the new constitution.

The depth of public engagement in the process can be demonstrated in the explicit recognition of it made by the Mexican Supreme Court in its decision regarding the constitutionality of the whole process, which was challenged by the Federal Government once the constitution was approved. The Justices argued that by having representatives of both persons with disabilities and indigenous peoples participating through the online petitions facilitated by the platform, Mexico City complied with the international consultation requirements that protect these vulnerable groups from any normative modification that could potentially affect them.

Risks and Challenges

Governments around the world are facing the challenge of rebuilding trust with citizens. The strategy implemented by Mexico City demonstrates that while opening up decision-making processes will usually cost additional time and resources, investing in openness and co-creation will ultimately lead to more reliable results.

Mexico City's constitutional process took place within a complex political and social context. The main challenge the team initially encountered when asking the citizens to participate through the platform was the lack of trust in the process. The partnership established with Change.org was a key element to regaining citizen trust. Even though the survey Imagina tu Ciudad was originally expected to be the participatory mechanism with a critical mass of users, the petition-making scheme turned out to be the most popular among users. The team behind the strategy attributes this to the fact that the mechanism was branded with the Change.org name and the platform already had a well-known reputation.

Another challenge for the implementation of Constitución CDMX was the digital divide that is still present in Mexico City. Even though the capital city ranks highest in the national measurements of households with internet access, this citywide initiative required the government to offer the opportunity to participate regardless of the people's ability to access the digital platform. To address this challenge, the city deployed digital kiosks to reach citizens on the streets and public spaces.



FIGURE 3: HIGH SCHOOL VOLUNTEERS AND DIGITAL KIOSKS IN MEXICO CITY'S PLAZA DE LA REPÚBLICA
PHOTO CREDITS: LABORATORIO PARA LA CIUDAD.

This outreach strategy was implemented in collaboration with the National Polytechnic Institute's High School students. A gamification strategy was designed to encourage them to recruit people to take part with awards for those who attracted the most participants. The teams used social media as well as photos and videos to certify the participation of citizens in different public spaces and public transport stations. When technology failed and the digital kiosks were not able to access the platform, the students designed an analog version of the surveys and carried on with the civic engagement in flea markets, subway stations, and other places that did not have internet coverage.



FIGURE 4: HIGH SCHOOL VOLUNTEERS SURVEYING PEOPLE IN THE STREETS. PHOTO CREDITS: LABORATORIO PARA LA CIUDAD



FIGURE 5: HIGH SCHOOL VOLUNTEERS SURVEYING IN MEXICO CITY'S FLEA MARKETS.
PHOTO CREDITS: LABORATORIO PARA LA CIUDAD

Outcomes

Constitución CDMX was able to garner international media's attention, mainly due to the unprecedented collaboration with Change.org and the fact that the strategy was aiming to amass inputs from a diverse 20 million inhabitant metropolitan area. Specialized media outlets also highlighted how this CrowdLaw project was able to integrate opinions, ideas and proposals of the people that the constitution would eventually serve, going beyond the traditional conception of constitutional affairs being dealt with by a small elite, well-verses in constitutional law.

Moreover, the final document is considered to be the most progressive constitution in Latin America, and it has been recognized by the United Nations as a "historical document that addresses the central challenges of development and peace" and as "a guide to fulfill the universal, indivisible and progressive nature of human rights, the Sustainable Development Goals, and the 2030 Agenda."

Numbers and Results

- 64.41% of participants were between 18 and 34 years old.
- 69.9% of visits to the platform were made from a mobile device, 25.31% from a desktop, and 4.7% from tablets.
- 15% of all visitors returned to the platform a second time.
- The Metropolitan Area of the Valley of Mexico concentrated 63% of all visits.
- The State of Jalisco 4.75%, Nuevo León 3.5% and Baja California 3.01%.

Petition-Making Mechanism

- 341 proposals, more than 400,000 unique followers
- Reception of proposals went on from March 30 to July 15, 2016
- Petitions that exceeded 10,000 signatures but fell short of 50,000: 9
- Petitions that exceeded 50,000 signatures: 4
- Petitions between 1,000 and 5,000 signatures: 7
- Petitions between 100 and 900 signatures: 44
- Petitions with less than 100 signatures: 282
- Number of unique supporters: 274,644
- Total number of supporters: 427,815
- 35.8% of the supporters signed more than one petition
- Number of Change.org users following Constitución CDMX updates: 479,212

Imagina tu Ciudad Survey

The influence area of this component of the strategy was all of Mexico City's 16 boroughs. The 30,000 georeferentiated answers had representation of 1,474 neighborhoods, accounting for 90% of all the neighborhoods in the city. Also, the Imagina tu Ciudad survey database is available as open data, providing Mexico City's inhabitants with a raw resource for prospective analysis of their communities, and citizens from all over the world with input to further explore conversations around urban futures. This database has been used by Laboratorio para la Ciudad during the fifth edition of its Open Government Encounter, where it was the main input for a data visualization workshop, and it served as well for the definition of the challenges for the second edition of the Code for the City experiment.

- Number of effective surveys in the Metropolitan Area: 30,143
- In Mexico City: 26,040
- In the conurbated municipalities: 4,094
- Number of surveys conducted by high school volunteers: 14,934
- Number of volunteers: 183
- Total amount of hours of volunteering: 1,494 hours

Citizen-Led Events Registration Mechanism.

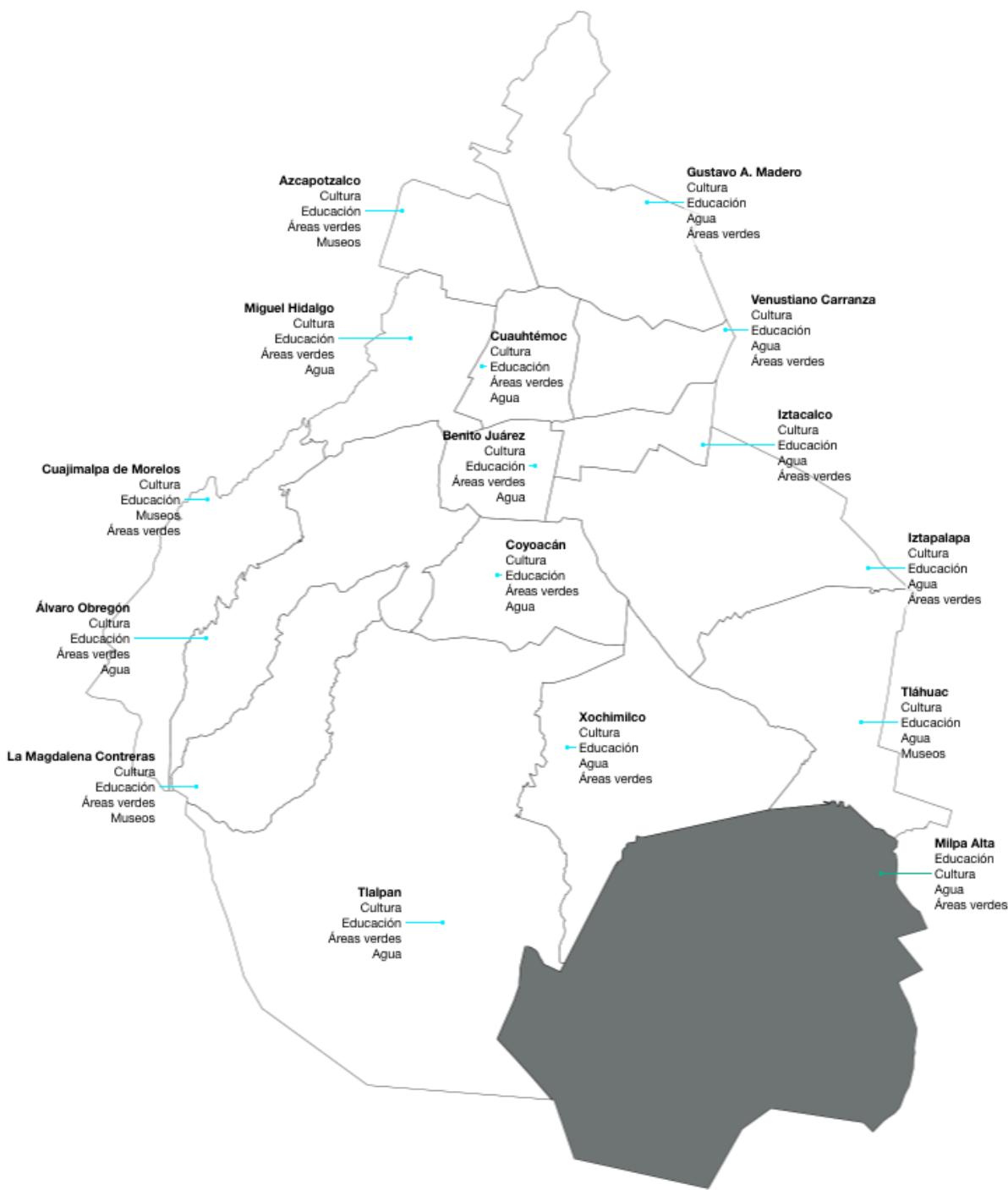
- Registered citizen events: 55
- Essays with conclusions uploaded to the collaborative editing platform: 26
- Number of comments in all essays: 17
- Events with most visits on the platform:
 - Forum of Proposals for the Constitution of the CDMX, organized by the National Bar of Lawyers, on April 5, 2016. **509 visits.**
 - The Constituent Marathon, organized by private and public universities present in Mexico City on April 15, 2016. **496 visits.**
 - Forum on the Right to the City in the Constitution, on May 30, 2016. **323 visits.**
- PubPub: Collaborative Editing Platform
- 100 essays uploaded on the platform.
- 1000 comments received in the published documents.

Users' Experience and Perceptions After Engaging With Constitución CDMX

Thanks to the interaction between the group of petition-makers and the city officials, perceptions of, and confidence in, one another changed. Francisco Fontano, the first petition-maker to reach the benchmark of 10,000 signatures, is a sports journalist that advocated for the constitution to include a minimum requirement of green areas per capita. Manuel Granados served as Mexico City's General Counsel, in charge of coordinating the works of the Drafting Group as well as the interactions with citizens derived from the platform. Before Francisco got to present his proposal to the General Counsel and 3 representatives of the WG, he told the Lab's team about how nervous he was meeting firsthand a senior government official. What Francisco didn't know is that Granados was even more nervous to hold a working session with an unknown citizen representing more than 10,000 other people. Before this collaboration scheme took place, Change.org was regarded by public officials as a tool for opposition members, activists or pressure groups to generate bad press for Government, and thus its real usefulness was regarded with skepticism.

As these meetings continued, trust between both parties evolved. This renewed relationship based on trust can be perceived in the series of interviews Laboratorio para la Ciudad conducted with the petition-makers, as well as in the messages they sent to their thousands of supporters in their petitions.

Mexico City's approach of offering a series of diverse approaches and mechanisms, each of which was accompanied by a firm commitment from the City to act on the engagement, offered a more democratic, citizen-friendly and replicable method that can be replicated for any legislative crowdsourcing strategy.

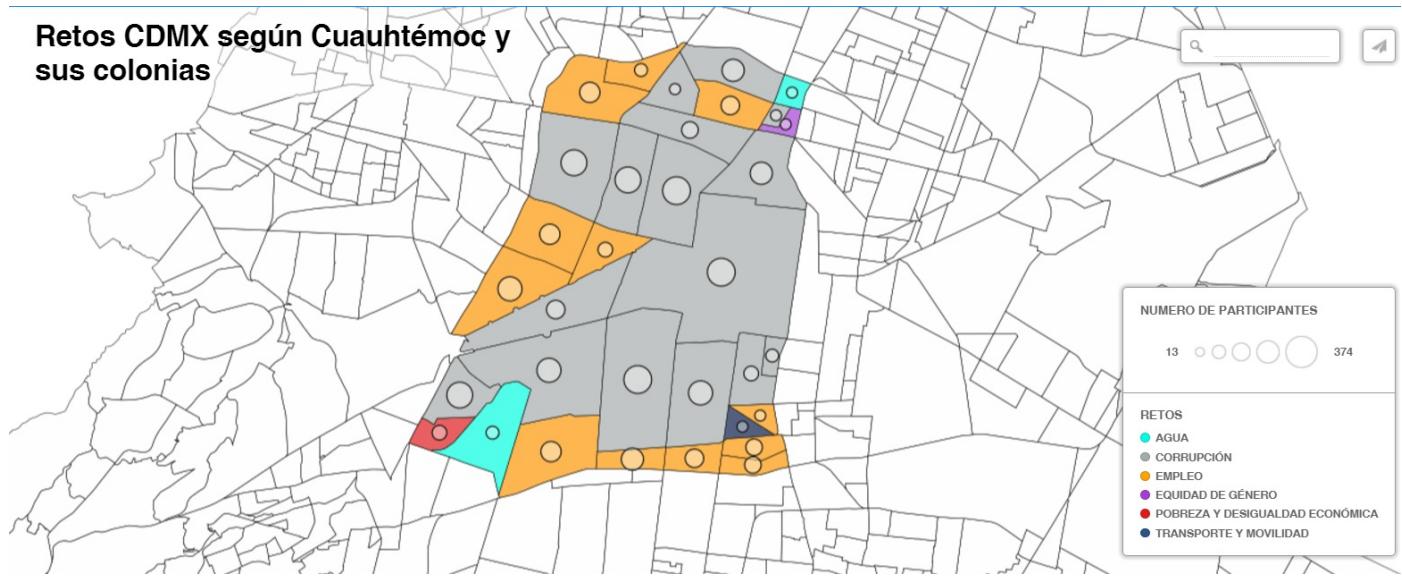


MAP 1: IMAGINA TU CIUDAD BY BOROUGH. "WHAT IS MEXICO CITY'S MOST VALUABLE ASSET?"

CREDITS: URBAN GEOGRAPHY DEPARTMENT, LABORATORIO PARA LA CIUDAD.



MAP 2: IMAGINA TU CIUDAD SURVEY PARTICIPATION BY NEIGHBORHOOD.
CREDITS: URBAN GEOGRAPHY DEPARTMENT, LABORATORIO PARA LA CIUDAD.



Online Petition	Petition-maker	# of signatures	Constitutional Draft	Final text of the Constitution
Publicity of tax records, declarations of interest and properties owned by public servants.	Alejandro Ortega Salinas	63,508	Art. 70, 2	Art. 64, 2.
Right to a good Public Administration (anti-corruption)	Alejandra Núñez	50,386	Art. 12, A	Art. 2, 3. Art. 7, A; Título Sexto
I want Mexico City to be a Smart City – #SmartCDMX	Nicolás Ávila Pineda	50,664	Art. 21, F, b Transversal	Artículo 7, 8-C Art. 24
Guardianship and protection for animals in the Constitution CDMX	Nydia Cervera	54,157	Art. 14, I	Art. 13, B
Guaranteeing minimum areas of green spaces per inhabitant	Francisco Fontano Patán	39,182	Art. 17, A	Art. 16, 3.
Sustainable mobility for Mexico City	Alejandro Posadas Zumaya	29,382	Art. 17, E	Art. 12, E. Art. 16, H.
Digital Rights and free and universal internet access in Mexico City.	José Alberto Escoria Giordano	21,270	Art. 13, B, 1	Art. 8, C.
An inclusive Constitution for Mexico City (Measures for people with disabilities)	Juventino Jiménez Martínez	16,803	Art. 16, F Transversal	Art. 11, G.
¡Rescue Mexico City's rivers! We need a comprehensive hydric policy in Mexico City	Carlo Patricio Pérez Castillo	17,306	Art. 14, H	Art. 16, A, 3, 4, B.
Mexico City's Constitution with all the rights for all the women	María Fátima Moneta Arce	14,889	Art. 4 Transversal	Art. 4, B, 4. Art. 6, E. Art. 11, C.
CDMX: maternity and paternity leave for all	Sonia Lopezcastro	15,010	Art. 15, E, e	X
LGBTI rights in our new Constitution	Alianza Ciudadana LGBTI Roberto Pérez Baeza	11,322	Art. 16, G Transversal	Art. 11, H.

TABLE 1: ONLINE PETITIONS THAT SURPASSED THE ESTABLISHED THRESHOLDS OF DIGITAL SIGNATURES IN THE CONSTITUCIÓN CDMX STRATEGY.



OVERSIGHT AND EVALUATION

Evaluation examines how a law is working. With new technology, a watchful community can collectively monitor legislative impact. In the UK, the public is helping to evaluate evidence submitted to certain parliamentary committees, enhancing accountability.



CROWDLAW FOR CONGRESS SERIES

SOCIAL AUDITS

COMMUNITY-LED EVIDENCE GATHERING

CASE STUDY

SOCIAL AUDITS | COMMUNITY-LED EVIDENCE GATHERING

Policy evaluation is the process of “understanding how a policy or other intervention was implemented, what effects it had, for whom, how and why.”¹ It serves as an important piece in the feedback loop to improve existing service delivery and inform future policy formulation. However, some of the oft-cited challenges to effective evaluation include scarcity of resources and access to relevant data.² The Internet creates the opportunity for engagement by asking the public how to measure impact, what data to use for that purpose and enlisting people in the process of evidence gathering to support better evaluation and oversight. Such participation has the potential to enhance accountability and improve results. Below, we summarize three so-called social auditing (also called civic auditing) initiatives that have enabled greater citizen participation in monitoring government projects. Although only one of these involves the legislative branch of government, the success of these projects, coupled with the absence of many legislative examples (UK Evidence Checks and Chile’s Evaluación de Leyes are two notable exceptions), leads us to include them as worthy exemplars for legislatures looking to engage the public in oversight and evaluation.³

Student-led Civic Audits in Brazil

In late 2016, at an event to mark the launch of a new Brazilian government transparency portal, the director of a high school from the rural area of Gama, Brazil publicly rued the severe lack of resources dedicated by the government to his institution - a story that is not uncommon in Brazilian public schools:



“I bought the taps installed in the bathrooms. I turned my living room into a pantry for food. I am very sad about this situation”

- Edgard Vasconcelos, Director of CED Casa Grande

A decree passed in 2007 ensures that Brazil’s public schools have the autonomy needed to spend funds assigned to them by the federal district for maintaining and operating the school. The intention behind the decree (called Programa de Descentralização Administrativa e Financeira (PDAF)) was to help public school management respond in an agile manner to local needs, which they are best-suited to know.

¹ “The magenta book: Guidance for evaluation.” *Her Majesty’s Treasury*, April 2011.

² . “Brief 1: Overview of Policy Evaluation.” *Center for Disease Control*, 2015.

³ Special thanks to Prince Anim (co-founder, TransGov Ghana), Emilie Reiser (Project Director, Promise Tracker) and Eric Pettersen and Michael Meotti (CPEC) for their inputs.

Between 2007, when the decree was passed, and 2016, over R\$ 445 million was provided to public schools for school maintenance and local repairs with R\$ 84 million being provided in the year 2016 alone. Despite this, audits conducted in random municipalities by the nation's Comptroller have shown that there are deficiencies in school infrastructure quality across the country. Studies have attributed these deficiencies to several causes, including lack of resources, corruption⁴ and student behavior, but there is less information available at granular levels to pinpoint issues such as those faced by the Casa Grande high school in Gama. School administrators have often complained that they are constrained by delays in funding transfers while government officials have passed the blame back to schools.

In 2016, the Comptroller General of the Federal District (CGDF) launched an initiative called the Projeto Controladoria na Escola (Controllership in Schools) to engage students in 10 public schools in Brazil in the process of auditing school infrastructure, mapping commonly raised issues and fostering civic education in schools.⁵

The initiative was in accordance with the National Social Participation Policy (PNPS) that aims to prevent corruption by ensuring that public resources are spent transparently and with effective participation of society. It was also one of the 22 projects⁶ selected from over 90 proposals submitted to the #TodosJuntosContraCorrupcao campaign, a national anti-corruption campaign by the “ENCCLA,” the National Strategy to Combat Corruption and Money Laundering.⁷

Pilot Phase

Projeto Controladoria na Escola involved asking students to collect data about their local school environments, report the major issues they faced, identify the root causes of those issues and propose ideas to fix them. In the pilot phase, students from 10 schools (including Edgard's CED Casa Grande) participated in the process. In total, they identified over 600 issues, including burnt

⁴ Claudio Ferez, Frederico Finan, and Diana Moreira. “Corrupting learning: Evidence from missing federal education funds in Brazil.” *Journal of Public Economics* 96.9-10 (2012): 712-726.

⁵ The office of the CGDF (Corregedoria-Geral do Distrito Federal) is responsible for overseeing public spending and plays the role of ombudsman in the federal district. “[Publicação DODF nº 250](#).” *Comptroller General of the Federal District*, Dec. 27, 2002, Págs. 167/168

⁶ The office of the CGDF (Corregedoria-Geral do Distrito Federal) is responsible for overseeing public spending and plays the role of ombudsman in the federal district. “[Publicação DODF nº 250](#).” *Comptroller General of the Federal District*, Dec. 27, 2002, Págs. 167/168

⁷ “Estratégia Nacional de Combate à Corrupção e Lavagem de Dinheiro.”

out light bulbs, missing fire extinguishers and broken chairs. The students, as well as teachers, were also surveyed on the mode of transportation they use to go to school and their opinions about the school on a wide range of issues, ranging from the quality of educational materials provided to them to the state of the sports arena and labs. The CGDF compiled the issues identified and survey responses from each school into a report and detailed the audit findings which included images, descriptions and deadlines, which were then presented to the Department of Education. The Comptroller General visited each school later that year to monitor the results of the project and to oversee the resolution of the issues. In one school alone, the students identified 115 issues and within just 3 months, 45% of the issues were fixed either by the Department of Education or, where possible, by the students and school management themselves.⁸

Institutional Impact

The success of the project was two-fold. It not only enhanced the CGDF's ability to conduct detailed audits of every public school but also generated greater buy-in from the schools to identify, report and fix issues in their surroundings. The buy-in from school management was a critical takeaway for the CGDF. By allowing the schools themselves to identify the issues, the CGDF was able to perform a full audit of the schools and see how public funds were spent without the negative connotation associated with being "overseen or audited." Rather, the schools were able to see for themselves how misusing funds or neglecting the upkeep of school property was creating several issues for the students and teachers and the Department of Education was made aware of the most urgent issues public schools in Brazil were facing.

"This is the best way to fight against corruption. When the citizen understands that the public good belongs to him, he takes care of it" said Ziller. "Controladoria na Escola involves students in identifying and solving the institution's problems. This makes them aware, for example, that if they vandalize a bathroom, they lose resources that could be invested in improving the college."

Expansion: The School Audit Award (2017)

The project's great success was also evidenced by the fact that the social (also called civic) audit model was replicated the following year (2017), this time in 104 schools with over 4,000 students

⁸ Moll, Gabriella. "Horta comunitária será usada na merenda do CEF 404, em Samambaia." *Governo Do Distrito Federal*, Nov. 7, 2016.

competing for a R\$ 140,000 (\$43,000 USD) grant award. It was called the “school audit award” and by the end of the campaign, students had submitted around 7,500 responses⁹ to the survey.

In 2018, the program was set to expand to over 200 schools in the country.¹⁰

How It Worked

The scale of participation in the first school audit award was much larger than the pilot. Hence, manually compiling reports from the data collected by the students was infeasible. Instead, the CGDF deployed Promise Tracker - a data collection tool developed by the MIT Center for Civic Media. Promise Tracker is a mobile application which allows campaign organizers to create surveys for distribution in order to collect information in the form of pictures, text and location data.

The school audit award campaign consisted of 5 phases:¹¹

1. Training for teachers to guide students through the data collection process
2. Theatrical shows and debates to show the value of citizenship and public participation
3. Student-led evaluation of school infrastructure (using Promise Tracker)
4. Student-led assessment of the problems identified
5. Student-led development of solutions to fix them

Judges from the Comptroller General’s office scored each school based on its performance in each of the activities and the top 10 schools¹² shared the R\$ 140,000 (\$43,000) grant award.¹³

Nearly 4,000 students from 104 public schools participated in the campaign and helped evaluate the state of classrooms, availability of Wi-Fi and computer labs, toilet paper in bathrooms and other issues by collecting evidence in response to a questionnaire administered through Promise Tracker. Using the information they gathered, the students then went through a process to determine the root causes (such as student behavior, lack of resources and administrative issues) of the most

⁹ Sarmento, Larissa. “Projeto Controladoria na Escola premia dez instituições de ensino do DF.” *Governo Do Distrito Federal*, Dec. 8, 2017.

¹⁰. Sarmento, Larissa. “Projeto Controladoria na Escola inicia etapa de preparação para 2018”, *Governo Do Distrito Federal*, Feb. 8, 2018.

¹¹ Reiser, Emilie. “Civic Audit to launch in 100 schools in Brasília.” *Promise Tracker*, Aug. 22, 2017.

¹² Moreira, Cibele. “Controladoria-Geral do DF lança prêmio Escola de Atitude.” *Governo Do Distrito Federal*, Aug. 17, 2017.

¹³ Moreira, Cibele. “Controladoria-Geral do DF lança prêmio Escola de Atitude.” *Governo Do Distrito Federal*, Aug. 17, 2017.

commonly reported issues and went on to propose projects to address the issues they felt they could have an influence on.

Nearly 4,000 students from 104 public schools participated in the campaign and helped evaluate the state of classrooms, availability of Wi-Fi and computer labs, toilet paper in bathrooms and other issues by collecting evidence in response to a questionnaire administered through Promise Tracker.

By the end of the competition, all 104 schools had not only proposed but also implemented at least one - if not more - student-designed initiatives even though only the top 10 teams stood a chance to win the grant award.¹⁴ Among other reasons, giving participants the ability to intervene in their local environments in order to effect real change was a critical factor in achieving such large-scale participation.¹⁵

Among the projects the students developed was the Monitoring My School app designed to monitor the cleanliness of classrooms and common areas. The app also allowed janitorial staff to provide feedback on how the students maintained the tidiness of the school. Another school launched a web-based radio station by renovating an old, out-of-use computer lab to motivate students and teachers to maintain the space well.¹⁶

¹⁴ Interview with Emilie Reiser, Project Lead, Promise Tracker on February 14, 2018.

¹⁵ Interview with Emilie Reiser, Project Lead, Promise Tracker on February 14, 2018.

¹⁶ Reiser, Emilie. "Students take Brasília." *Promise Tracker*, Dec. 15, 2017.



Figure 1: The winners of the civic audit received a certificate from the Comptroller-General, Henrique Ziller, Source: Andre Borges/Agência Brasília

Technology: The open source Promise Tracker Tool

URL: <https://monitor.promisetracker.org/>¹⁷

How it Works: Creating a campaign using Promise Tracker

Step 1: Describe Project: The tool asks the campaign organizer to describe the project and its targeted audience.

Step 2: Set up Survey: The tool then allows the organizer to create a survey which can be disseminated among the public for data collection. The organizer can ask users to respond with text, images and/or location information.

Step 3: Design Survey Page: Next, the organizer is asked to design the look and feel of the survey page. Once complete, the tool provides a QR code, a machine-readable code

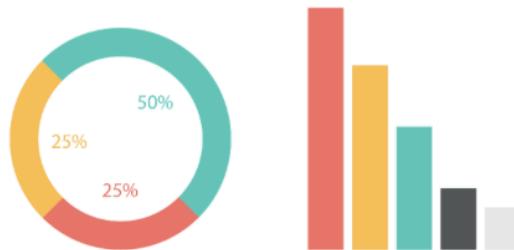
¹⁷ The Promise Tracker Tool is open source and is available at <https://github.com/mitmedialab/Promise-Tracker-Builder>
CROWDLAW FOR CONGRESS

consisting of an array of black and white squares, used for storing URLs, and links for sharing the survey with the public. If required, the organizer can choose to be anonymous.

Step 4: Test Survey: The organizer can test the final survey to make sure all the fields work as required prior to making it public.

Step 5: Collect Data: Once the survey is live, the organizer can view the results on a dashboard which visualizes the results, displaying graphs, maps and photos.

Once you start collecting data, you'll be able to view graphs of your survey results here.



Map



Graphs



Photos

Figure 2: Source: monitor.promisetracker.org

How it works: Responding to the survey

Step 1: Download Mobile App: After downloading the Promise Tracker mobile app, the user can download the campaign survey using a 6-digit code shared by the organizer.

Step 2: Data Collection: The type of data a user must collect depends on the requirement of the campaign. This might include text, images or location information.

Learnings

- Design the initiative in a way that generates buy-in: Some schools were hesitant to take part in a campaign that was going to “monitor and audit” their activities. However, engaging students and teachers and giving them the power to create change persuaded schools that it would be a value-add to the school rather than become “monitoring” in a negative sense.
- Technology is a small piece - focus on networks for engagement: Working with community groups on the ground who already have a certain network and issues they care about was critical to the success of the campaign.

The civic audit model employed in Brazil is a great example of organizing citizen-led campaigns to foster civic education and to help government oversight agencies understand local issues in granular detail. It also helps build a sense of community and, when done right, motivates citizens to take action to fix those issues. It is still unclear, however, if the campaign improved educational outcomes and if the medium and long-term solutions were implemented.

It is important to ensure that issues reported by citizens are used to enhance government accountability and improve policy implementation and formulation. If citizens don't see that the data they collect is being acted on, they are less likely to participate in subsequent iterations of the project. On the other hand, government can take action only if the information from citizens is routed to the appropriate departments. For instance, reporting a leaky roof in a school to the Department of Education is likely to be less impactful and slower (or entirely useless) if the relevant authority to fix the issue is actually the public works department. In other words, there needs to be a feedback loop which carries citizen input to the relevant authority and one that informs the citizen when their report has been acted upon.

An interesting example of a platform which attempts to do this comes from Ghana and a platform called TransGov Ghana.

TransGov Ghana

Background

Created in 2014, TransGov is a platform to help Ghanaian citizens monitor the progress of local development projects.¹⁸ The creators of TransGov (Jerry Akanyi-King, Kennedy Anyinatooe, Kwame Yeboah and Prince Anim) found that citizens were unaware of whom to hold accountable for faulty or incomplete infrastructure projects (such as the construction of public schools and flyovers) and service delivery in their localities. The solution they developed was “to curate a list of development projects in local communities and give people the ability to comment, give feedback and let their voices be heard.”¹⁹ The platform also allows people to report issues such as burst pipelines or potholes and track the status of their complaint. Today, TransGov has 600,000 registered users²⁰ who can provide feedback through the TransGov website, mobile app, by SMS or by phone. The

¹⁸ TransGov Ghana Facebook Page

¹⁹ Interview with Prince Anim, Co-founder, TransGov Ghana

²⁰ Approximately 40% active users. *Active users:* Users who, in the preceding month, engaged on the platform by reporting issues and retweeting or tagging posts.

platform is run by a small team of 6 employees who handle the technology, management and communications of the project.

Problem It Solves

In Ghana, there are no official mechanisms to allow citizens to easily find details of local infrastructure projects. For over four years now, the Ghanaian parliament has deliberated on the passage of a right to information bill but it is unclear when it will materialize. Ghana is part of the Open Government Partnership (OGP) and puts out open data on the national open data portal (data.gov.gh). But even though the portal boasts of “133 datasets,” only 15 datasets (mostly census data) are available to view or download and they are rarely updated. In fact, the OGP end-of-term review report in 2017 found²¹ that Ghana had made “limited” progress in its commitment to make datasets publicly accessible on the portal. Without a right to information bill or a robust open data portal, Ghanaian citizens have to resort to speaking with the government officials in the relevant departments and requesting information from them.

This poses two challenges: 1) It is often unclear which government authority is responsible for executing a certain project; and 2) citizens have to find the individual within the department who is responsible for the project or any related information.

“This lack of clarity and accountability often means that citizens’ complaints or requests for information remain unresolved and increase their apathy towards government.”

- Prince Anim, Co-founder, TransGov Ghana

How It Works

TransGov serves two purposes: 1) tracking the progress of public projects and sharing relevant details with citizens; and 2) serving as a platform for citizens to report faults in service delivery (like broken pipes or potholes) and directing those complaints to the competent authority.

1. Monitoring the progress of public projects: TransGov provides a snapshot of important information related to local infrastructure projects. This information includes details like proposed completion dates, funding, contractor information and current status. The fields are populated by a combination of crowdsourced data collection (where users submit pictures and comment on the

²¹ OGP End-of-Term report: Ghana, OGP 2017

status of the project) and curated data collection from official sources and interviews with contractors and officials. TransGov also shares this data with Ghana's national open data portal.²²

Additional Information

[Project Information](#)
[Images](#)
[Map](#)

2 Storey 6-Unit Classroom Block with Ancillary Facilities at Achimota Anglican School

PROJECT STATUS	PROJECT CATEGORY	COMPLETENESS
On Halt	school	50 %
AMOUNT ALLOCATED	ESTIMATED BUDGET GOG	ESTIMATED BUDGET IGF
₵191,900.79	0	0
ESTIMATED BUDGET DONOR	ACTUAL BUDGET SPEND	SUB METRO
0	0	Okaikoi North Sub Metro
PROJECT CONTACT PERSON	PROJECT CONTRACTOR	START DATE
--	--	Feb. 3, 2011
END DATE	PROJECT LOCATION	SOURCE OF INFORMATION
Oct. 6, 2011	Achimota	Accra Metropolitan Assembly

Figure 3: Sample project on TransGov Ghana. **Source:** <http://transgovgh.org>

2. Reporting complaints: A registered user can post a complaint (including pictures and videos) on TransGov through the web platform or using the mobile app. The complaints are forwarded to the relevant department where officials view the complaints on a dashboard and take action. The department updates the status of the complaint when it is resolved and a notification is sent to the complainant to confirm if it was indeed resolved. To streamline the flow of information to government departments, every complaint is “tagged” and every department’s dashboard only displays the complaints tagged to them.

²² Ghana Makes Public Works Data Accessible

Institutional Support

The TransGov team's first challenge was to identify individuals within government departments who had the vision to support TransGov's efforts. In association with partners like the World Bank office in Ghana, Prince Anim and his team carried out a "power mapping" exercise to strategically find the individuals and departments to work with and then narrowed down their focus to three government departments: 1) the ministry of finance; 2) the ministry of roads and housing; and 3) the Ghana water agency. While they work in tandem with these agencies, there is no dedicated unit or staff within government to deal with the complaints received through TransGov.

Communicating Strategy

The second challenge was to inform citizens about TransGov and how it could be used. The team used a combination of online and offline engagement strategies to build the initial user base of TransGov. For example, the team used Facebook ads to spread the word online and laid the groundwork for further promotions. They also organized townhall meetings (often in the presence of local district heads) to educate people about their rights and to demonstrate the platform's functioning.

“

A large part of the initial registrations for TransGov came through word of mouth advertising from friends and followers”

- Prince Anim, Co-founder, TransGov Ghana

Impact

Overcoming people's apathy and fostering participation was a big challenge for the TransGov team as was getting government to respond more quickly. But TransGov's success, according to Prince Anim, should be measured by two metrics: 1) number of issues it resolves; and 2) the timeframe of responses to complaints. TransGov serves as a conduit between citizens and the concerned department. This helps improve interactions between the two but does little to improve the process or pace of resolving the actual complaint. TransGov has taken steps to improve that aspect as well. By posting complaints received on TransGov to social media sites, the time taken to resolve complaints reduced by nearly 60% since public officials were subjected to the heightened scrutiny. On average it takes 3 days to fix a pothole and 48 hours to fix a burst pipe reported via TransGov compared with nearly a week to fix a pothole and more than 3 days to fix a pipe before TransGov's social auditing process. There is still plenty of room for improvement.

Connecticut Policy and Economic Council (CPEC): City Scan

In 2000, the Connecticut Policy and Economic Council (CPEC) conducted a pilot project to engage local residents in collecting data to evaluate public projects in order to hold the local government accountable for its commitments to clean up derelict land use sites and advocate for change. The project, called CityScan, began in Hartford, Connecticut, and was later extended to half a dozen

The most important lesson of the CityScan experience is that creating collaborations between local citizens and government is critical to the success of citizen engagement, reinforcing what's been seen in more recent projects of a similar nature.

other cities in the state. It provided ordinary citizens with what was, at the time, state-of-the-art technology, including handheld computers, wireless modems and first generation digital cameras. Citizens were also trained in how to collect data to assess the performance of government agencies and hold them accountable. This "social auditing" effort was part of a broader initiative by the Council to introduce citizen-based performance assessment (CBPA) in local neighborhoods and eventually statewide,

making CityScan one of the earliest examples of technology-enabled social auditing anywhere in the world. The most important lesson of the CityScan experience is that creating collaborations between local citizens and government is critical to the success of citizen engagement, reinforcing what's been seen in more recent projects of a similar nature.

Background

CityScan was considered a national model of citizen-based assessment of city governments. CityScan was a project of the Connecticut Policy and Economic Council (CPEC) - an independent, not-for-profit organization which provides resources to citizens and civic organizations to help improve government performance. CityScan was developed as part of CPEC's efforts to enhance the ability of neighborhood groups to advocate for change in their own localities through CBPA. CPEC designed pilots for CityScan in two cities with contrasting characteristics.

The first pilot of CityScan in Hartford was carried out in the Parkville Neighborhood with students of a Hartford high school. Seven students and their teacher, assisted by CPEC staff, collected location information (GIS), took pictures and made videos of land use conditions in five neighborhood parks. CPEC found that the Hartford city government's responsiveness to citizen needs was poor and that

there was little information available regarding the quality of service delivery.²³ Local residents and community advocates therefore lacked the ability either to contribute feedback to government or to access performance data. CPEC's CityScan was a way for Hartford residents to identify and prioritize public problems and to gather evidence in order to pressure the city to take action, and offered a way for the city government to communicate better with citizens.

Stamford, Connecticut was the second pilot site for CityScan in 2001. Stamford had an administration which was more supportive of citizen engagement and performance assessment than Hartford's. According to CPEC, Stamford, in contrast with Hartford, was "a thriving, growing urban center with many resources to call upon for civic improvement." The Stamford project aimed 1) to identify high-priority areas for citizens through surveys and focus groups; 2) to implement citizen-led measures to address these priority areas; and 3) to conduct CityScan activities to collect evidence.

Subsequently, CPEC implemented CityScan in Norwalk and Waterbury, two other cities in Connecticut, with plans for statewide expansion. However, by their own admission, CityScan's success depended on building relationships with both citizen groups and government officials - a process that takes time to replicate across jurisdictions and political realities - making rapid statewide expansion unrealistic, according to Michelle Doucette, Project Director, CPEC.

Project Description

The data collected varied from project to project and was dependent on the priorities of the neighborhood group. Citizens decided what data to collect, carried out the collection exercise and used the resulting evidence to advocate for change. The issue to be documented had to be visible to the naked eye from the street, sidewalk or within public parks. In subsequent years, CityScan engaged several hundred students to document graffiti, abandoned buildings, garbage dumping sites, overgrown vegetation and abandoned vehicles in all of Hartford's residential neighborhoods.²⁴ In each case, participants were provided with cutting-edge technologies (at the time) like Pocket PCs and digital cameras and were equipped with wireless modems and GPS receivers.

²³ CityScan project case study, Michelle Doucette Cunningham available online at http://web.archive.org/web/20040620033401/http://www.city-scan.com:80/moreinfo/city_scan_case_study.pdf. Last accessed on June 18, 2018

²⁴ <http://www.townofwindsorct.com/townmanager/tm-reports.php?report=100>

Students were divided into groups which “scanned” the area to identify both problem areas as well as positive conditions, entered the relevant data into the pocket PC (sometimes responding to checklists or questionnaires), took images and synchronized the device with a central database. Following the data collection phase, students sorted and categorized images so that they could be analyzed and compiled into a detailed report posted on the CityScan website.²⁵ The detailed findings were later presented to city government officials. The following year, CPEC staff conducted a “rescan” of the areas covered in the report to measure the effectiveness of the project.

Between 2000 and 2002, CPEC carried out several CityScan “scans” in 30 neighborhoods in Connecticut in partnership with community groups, schools and local government offices. However, in many cases, they also found that several promises of improvement by the department of public works remained unfulfilled. In the case of graffiti, even places where action was taken saw new graffiti replace the old. Still, the experience proved to be an important learning exercise since CPEC went on to build a stronger relationship with department of public works in the following years.

Participation

Local community leaders and students were the main participants in CityScan. Engaging students was a key part of the CityScan project for two reasons:

1. Adult volunteers often did not have adequate time for data collection.
2. CityScan served as an after-school program for young people between the ages of 13-17 years and gave them an opportunity to understand their local environments better.

The testimonials from student volunteers suggests that projects like CityScan played an important role in instilling values of civic responsibility as well as offer a firsthand experience for the younger population to be changemakers in their own communities.



“CityScan gave me the sense that I gave back to the community and positively affected its future”

- 19 year old male participant in CityScan²⁶

²⁵ City-scan.com. Accessed through wayback machine on June 18, 2018

²⁶ Retrieved from <http://www.city-scan.com:80/section.php?section=youth> through wayback machine at <http://web.archive.org/web/20040229111921/http://www.city-scan.com:80/section.php?section=youth> on June 18, 2018

Given the enthusiastic participation of students and the benefits for their participation offers, it is no surprise that CPEC recommended²⁷ building partnerships with local academic institutions.

However, students were not the only participants in CityScan activities. In conjunction with the Neighborhood Revitalization Zone Committee of Parkville, a second pilot was carried out in Hartford. This time, the project used adult volunteers who collected data on their own time in the evenings and on weekends after an initial group training session. Their focus was the renovation of abandoned buildings in the city. The volunteers and city officials together negotiated an agreement by which citizens would pick their top 5 priority buildings for securing and cleaning up and the department of licensing and inspection would follow up on the progress each month.

Funding

The Alfred P. Sloan Foundation awarded a \$435,000 grant to CPEC and in fall 2001, CPEC received a grant from the U.S Department of State to support CityScan. Additionally, CPEC received support from Microsoft Corporation which donated the Casio Pocket PCs used by the volunteers and from the William Caspar Graustein Memorial fund, which provided the funds to purchase video cameras and video editing software. CityScan was staffed by 6 full-time administrative and program professionals and also hired students and teachers on a part-time basis for each neighborhood scan.

Impact

In Hartford, CityScan played an important role in enabling other organizations to improve their own work. The most prominent example of such an organization was “Hartford Proud & Beautiful,” a private-public partnership which worked towards clearing graffiti from public sites. They used data about graffiti in public spaces in 90 sites in Hartford collected by CityScan volunteers to clean the graffiti. Following the success of the two pilots in Parkville, CityScan expanded to eighteen more neighborhoods in Hartford and eventually, to seven more cities in Connecticut.

In Norwalk, Connecticut, the city administration worked with CityScan staff to develop a process for handling the scan reports generated by volunteers and requested modifications to the scan conditions list (the parameters on which volunteers collect data) to better assign repairs by

²⁷ CityScan project case study, Michelle Doucette Cunningham available online at http://web.archive.org/web/20040620033401/http://www.city-scan.com:80/moreinfo/city_scan_case_study.pdf. Last accessed on June 18, 2018

department. The city used the scan reports as work orders for city departments as well as review points by a citywide neighborhood preservation task force.²⁸

Summary Learnings

CityScan offers several learnings. Primary among them is the importance of building relationships with local citizen groups, academic institutions, non-profit organizations and government officials in order to ensure that priorities are set, data is collected and action is taken to resolve the issue.

Another lesson from CityScan is that scaling a project like this one is not simple because building coalitions and partnerships takes time and is subject to political and jurisdictional realities. Hence, starting small is most likely to have more impact. Finally, CityScan's experience in Waterbury, Connecticut showed that some local governments might be ill-equipped to deal with citizen input even if they would like to. Despite the success in Hartford, Norwalk, Stamford and other jurisdictions, the process of creating on-the-ground change was slow in Waterbury mainly because the government there had to create new systems to handle the new source of citizen input.

²⁸ CityScan project case study, Michelle Doucette Cunningham available online at http://web.archive.org/web/20040620033401/http://www.city-scan.com:80/moreinfo/city_scan_case_study.pdf. Last accessed on June 18, 2018