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Where silence is golden

Every issue you can think of comes up in our nation's capital, except one: What's to become of the company store?

By David Weir

Dec. 30, 1999 | WASHINGTON, D.C. -- In the past year, this city has emerged as the nation's "most wired," in that it has the highest per capita Internet usage in North America. More people now work for the high-tech industry around here than for Uncle Sam.

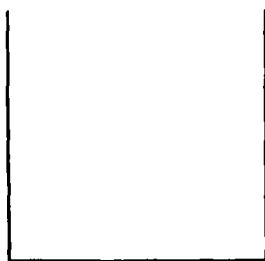
But for those of us who live in the Washington area, it's easy to see certain contradictions between the two cultures represented by .gov and .com. If the web is home to individualist geeks and would-be entrepreneurs, Washington plays host to the two-degrees-of-separation-from-real-power crowd.

Those are the folks who are just *that* close to this or that senator or inhabitant of the White House or well-known media personality. The shared assumption inside the Beltway is that the exercise of power through these established channels still matters -- a lot.

Maybe so. But this faith in traditional, derived power adds an almost quaint air to the nation's capital at the millennial moment. Such beliefs evaporate the further away from Washington one travels, of course, and are downright rare by the time you reach Silicon Valley, where increasing numbers of congressmen seem to be showing up these days, hands outstretched. The irony in this is that the belief that government's day is coming to a close, that a rapid transformation of society is occurring via digital networks, has been an article of faith among the digerati for years.

Even the justice department's aggressive counter-attack via the anti-trust suit against Microsoft has failed to change many minds in the wired world about government's waning power. The only difference is that now tech money flows into the lobbyist firms clustered along K Street like champagne at an election party. As a line item, you might call it "insurance."

*Copy of the President's
 (Digital)
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From the murder to a football star's pregnant girlfriend to the retirement of four sports icons, 1999 was a bad year to be a sports fan.

By Julian Rubinstein
[12/23/99]

Jerusalem braces for Christian pilgrims

Hordes of tourists are coming to the holy city for millennial celebrations, but a

As a direct result, however, Congress has suddenly reversed its traditional antagonism to high-tech and Internet issues (remember the Communications Decency Act?) to grant tax breaks for ecommerce and for R&D, to limit liability for stock volatility and Y2K computer failures, and to grant more job visas for immigrant workers. The war on encryption is virtually over, with the defeated National Security Agency in disarray, as Seymour Hersh documented recently in the New Yorker.

The fact that the new tech-friendly policies are furthering the development of a networked economy that undermines the traditional centralized authority of the nation-state itself is rarely mentioned. But if this era does indeed herald "the end of big government," as Bill Clinton famously noted a few years back, where will that leave Washingtonians, the custodians of the old company store?

Perhaps the biggest public policy question facing our society as the millennium turns is barely being discussed inside the United States, though it hangs over everything here just like those winter storm clouds that hover but never seem to burst, and that is: "What's the new role for government?"

In order to find a substantive discussion of this issue in the past year, you would have had to travel quite a ways beyond the Beltway -- over to the great hall of the Palazzo Vecchio in Florence, Italy, where near the end of November there was what was called the Third Way Conference. President Clinton was there, along with other nascent globalists like Tony Blair (Britain), who's just learned how to send e-mail; Gerhard Schroeder (Germany); Lionel Jospin (France); and Fernando Henrique Cardoso (Brazil).

Clinton and Blair, buoyed at home by their robust economies, argued for a new role for government -- empowering citizens through universal education and access to technology so all can participate fully in the new economy. They consider their philosophy "progressive governance," i.e., not strictly a public sector nor a private sector option, which is to say, a Third Way.

France's Jospin worried out loud: "I see that we have a new economy but it's not going to sweep away history, it's not going to sweep away the various social groupings and it must not sweep away the nation-state. I'll accept a networked economy but I don't want a world dominated by networks, because that will be run by the private sector."

Clinton later agreed with Jospin's position: "We'll say yes to the market economy, but no to the market society." He went on to say that "what we're striving for is to replace a divided way of looking at politics and talking about our common lives with a unifying theory."

 **Next page | Meanwhile, back at the asylum...**

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Where silence is golden | page 1, 2

Here in the capital, it is rare to hear such debates. Behind most of the Neoclassical facades on archaic government buildings, entire floors of bureaucrats continue to occupy themselves with matters of amazingly minimal relevance to most people's lives.

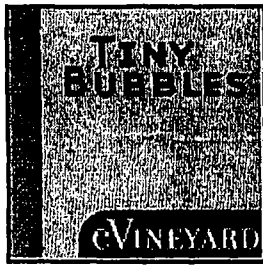
The cumbersome insitutions of government have undergone remarkably little change this decade, even as the world around them has melted away to reveal a new one in formation -- an economy where people switch jobs constantly, building private portfolios and networks they carry with them, joining informal teams to invent new opportunities, generating wealth through equity culture -- all based on digitized information as the common currency of a post-industrial, post-ideological society in the making.

A world where, as Walter Wriston has noted, information can be literally more valuable than money; one where ideas based on scarcity are being replaced by new ideas based on abundance.

In its own odd way, Washington sits poised on the bleeding edge of all this change. No other town on the continent is so information-obsessed, which explains its "most wired" distinction. Washington is, and long has been, the candy store for information junkies, so much so that the emergence of searchable databases linked to each other represents a perfect virtual replica of the space that Washington, Inc., has long occupied in the physical world. (According to a year-end survey, the Washington area actually has more tech firms -- 12,183 -- than any other in the country, even Silicon Valley, which has 11,930.)

The biggest difference is that physical Washington with its hallowed corridors of power is built only for the insiders. The main business in this place is making sure that you've got equal access to Republicans and Democrats -- everyone wants to be bi- and to have it both ways.

Until recently, therefore, anybody who told you they could detect the fine cuts of positioning separating, an Al Gore, say, from a George W. Bush, had been paying way too much attention, or was making a buck on the detail work. (That



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attention, or was making a buck on the detail work. (That changed a bit when both candidates had to start articulating their positions due to unexpectedly strong challenges within their own parties.)

Still, there's no ideology left here, nothing that can stand alone without a modifier, like "compassionate" conservatives who say they support faith-based organizations, or "pragmatic" liberals who say *they* support faith-based organizations.

As they slice and dice their way to the bank, the old hands in Washington don't yet fully comprehend that their world is dying. Their old system, based on the hoarding of access to power and classified information, is crumbling; it's being replaced by the new chaos of a frenzied trade in information by everybody.

Even that most hallowed insider transaction -- campaign fundraising -- is being subverted by the Internet. Minnesota Governor Jesse Ventura used the Web to develop grassroots support for his unlikely campaign, helping him to raise hundreds of thousands in matching funds for much-needed television and radio ads. His eventual election was a shock to many journalists, though not necessarily on the Web.)

This year, Republican presidential hopeful Sen. John McCain has used the Internet to raise more than \$1 million from his supporters at his Web site -- which is one reason he has been able to challenge Bush for his party's nomination.

In a move that perhaps was more than just another photo op, McCain and former Democratic Sen. Bill Bradley joined hands across party lines earlier this month to pledge that if they win their parties' nominations, they will enforce a ban on accepting "soft money" donations. Like McCain, Bradley has been successful raising money online, more so than the frontrunner for the Democratic nomination, Vice-President Gore.

Of all these candidates, Gore may be the one most aware of the need for a Third Way, though he seems too cautious a politician to do much about it. During Clinton's final year in office, look for him to do a lot of talking of the sort he did in Florence; starting in 2001, as a civilian from his base in Little Rock, he certainly will be a leading international advocate for constructing a new civic culture.

Back here at the center of the empire, if you look closely, the marble atop the swamp in this fine old town shows evidence of hairline fractures, as it gradually is coming undone from the inside by the pink ethernet vines, T-1's, and DSL that are creeping in under the red, white and blue carpeting from all sides.

Most of the inmates of the marble asylum remain, for now, blissfully unaware of the threat.

That too, however, will be changing.

celebrations, but a clash between Orthodox and secular Jews has created a ban on Christmas in the city's kosher hotels.

By Flore de Preneuf
[12/23/99]

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About the writer

David Weir is Salon's Washington bureau chief.

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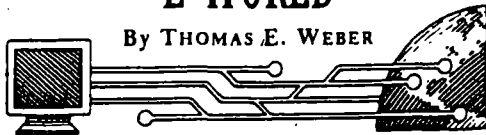
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E-WORLD

By THOMAS E. WEBER



Ready or Not: Voting Over the Web Comes To Political Primaries

GARDEN CITY, N.Y.

WHEN THE PRIMARIES kick off in Iowa today, voters will gather in caucuses and scrawl their preferences on paper ballots. But up in Alaska, Republicans in a few far-flung districts will log on to the Web and vote in the state's straw poll by clicking. And six weeks from now, if all goes as planned, all Arizona Democrats will be able to link up to a computer here on Long Island to cast their votes.

If these experiments succeed, they're likely to give a major boost to the Internet-voting movement. Advocates extol the method's seductive convenience:



Vote at home, at work or anywhere else you can sign on to the Web. And if Internet ballots reverse slumping voter turnout, think of the benefits for society.

But there are dramatic risks, too. Could a hacker change the outcome of an election? Will Web-savvy 20-somethings suddenly dominate the voting? Will those who can't afford a PC be effectively disenfranchised?

The fact is, no one knows exactly what Internet voting will do to elections. But arguments about whether to allow it are probably increasingly irrelevant. It's coming no matter what, says John Chambers, the CEO of Cisco Systems and an Internet veteran. "The Internet will do to democracy what it did to business," sweeping through every industry. The main task now, he says, is to see it coming and prepare.

THAT'S WHAT JOE MOHEN did. He's the CEO of Election.com, the start-up that will tally the Arizona votes. Two years ago, to cash in on the dot-com craze, he decided to focus on virtual elections. The concept: an easy-to-use electronic ballot box for the proxy votes, association-board elections and other private votes conducted each year. Soon the idea morphed into conducting public elections as well.

Mr. Mohen doesn't question that online voting will prove a boon for democracy. "I'm upbeat, not only as a businessman, but as an American," he says.

A Johns Hopkins dropout who pairs a "Star Wars" necktie with a gray pinstripe suit, Mr. Mohen is preoccupied right now with ensuring that his ballot technology works properly. The Arizona votes should come streaming into the Election.com processing center—located down the hall from Admiral Travel in a Garden City office building—over the four days before Arizona's primary on March 11.

Twenty-five-hundred miles away in Phoenix, Arizona Democratic Party Chairman Mark Fleisher has old-fashioned politics, not high technology, on his mind. "I'm not really an Internet kind of guy," he says. But foreseeing a dismal turnout and virtually no attention, he seized on Internet voting as a way to thrust the Arizona vote into the spotlight.

Now Mr. Fleisher predicts a turnout of 50,000 or more, five times the typical level, with more than half of those voters casting ballots from home or work via the Web and only about one-tenth using traditional paper ballots at traditional polling sites. He also expects plenty of attention. "I think all the eyes of the Internet world will be on Arizona on March 11," Mr. Fleisher says.

Here's how the vote will work. Late next month, Election.com will mail a personal ID number to each of the more than 800,000 registered Arizona Democrats. Starting March 7, voters can surf to a special Web address, where they'll be asked for their number and quizzed on things like birth date or Social Security number to verify their identity. There they'll also see a page listing the candidates and can click on their choice. Two more clicks will lock in their selection.

OFFICIALS EXPECT MANY of the Net votes in Arizona to come from home or office computers. But because lower-income voters aren't as likely to have Web access in their homes or offices, the system could make it more difficult for the poor to vote—a dramatic example of the digital divide. In response, Arizona Democrats are setting up locations where people can go to vote over the Web. Despite their effort, an Arlington, Va., voting-rights group filed suit Friday in federal court in Arizona to block Internet voting. The group, the Voting Integrity Project, branded the plan "a new millennium version of the literacy test."

A rival of Election.com, VoteHere.net of Bellevue, Wash., is providing the system for the Alaska straw poll. In the past, election turnout in the three districts involved has been very low. It's dark there up to 20 hours a day during the winter, and snow limits travel mostly to seaplanes and dogsleds.

Making voting in remote areas easier isn't the only potential advantage of Internet elections. Web voting on PCs at traditional polling sites could save governments plenty of money, says VoteHere.net CEO Jim Adler. "If you just put your blinkers on and say home voting is the only way to go, I think you're missing a tremendous opportunity."

Some people believe home voting will be harmful even if it doesn't favor higher-income voters. Rick Valely, a Swarthmore College professor and vocal critic of the rush to Web voting, fears it will ultimately trivialize what should be a serious activity. After all, he says, the process of Internet voting isn't all that different from Internet shopping. "You'll feel more like a consumer than a citizen," he says.

In fact, why not vote while you shop? An Election.com executive says computer stores like CompUSA have already been discussed as possible impromptu polling stations.

And that may be the least of it. If conglomerates like the proposed AOL Time Warner succeed in blending the Net with TV, viewers could click straight from viewing mudslinging ads to casting their votes.

What do you think? E-mail me at tweber@wsj.com or join me today at 2 p.m. EST at wsj.com/voices.

THE WALL STREET JOURNAL
MONDAY, JANUARY 24, 2000

Majority Favors Bringing the Booth to the Web

Polls Say 53% Would Like Online Voting, but Only 46% Think It a 'Good Idea'

By ROBERT Cwiklik and Christy Harvey
Staff Reporters of THE WALL STREET JOURNAL

WASHINGTON—When it comes to the most fundamental of civic actions—voting—Americans are high-tech: A majority want to cast ballots over the Internet.

The public shows less squeamishness about electronic politics than it harbors toward online shopping. In the latest Wall Street Journal/NBC News poll, 53% of the respondents said they would like to vote over the Internet, while 44% prefer traditional voting booths or ballot boxes.

By contrast, almost eight out of 10 said they don't plan to do any holiday shopping over the Internet. Their reservations include discomfort over putting credit-card information into electronic-commerce systems and not being able to see the products before buying them.

The results show that "the Internet has the potential to improve the most fundamental aspects of political engagement and participation," says David Iannelli, an associate of Robert Teeter, who along with Peter Hart conducted the poll.

States to Test Cybervoting

Cybervoting, though used in some corporate-proxy balloting and other contests, has yet to face a major test in a governmental election. States are starting to experiment, however. Washington plans a nonbinding, online test vote alongside its primary in February. The first binding use will come March 11, when Arizona allows Internet balloting in its Democratic primary. The Pentagon also is conducting tests in five states that it hopes will lead to online voting for those in the military.

Americans aren't without apprehension. Only 46% thought online voting was a "good idea," exactly even with those who said it is a "bad idea." The latter number could reflect security concerns similar to those voiced about online shopping.

Before voting on the Internet can become a reality, experts say, worries about such things as online voter fraud must be addressed, as well as doubts about the fairness of making balloting easier only for those who can afford computers and online hookups. Still, the idea attracts strong support from across the political spectrum: 52% of both Republicans and Democrats and 56% of Independents surveyed said they would prefer voting online.

Participation in U.S. elections has been waning steadily for decades. But among people who aren't registered to vote, six out of 10 said they would prefer to cast ballots online, compared with a little more than half of registered voters.

The idea most appeals to young peo-

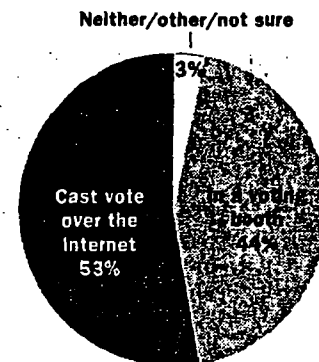
ple, whose voting rates have been markedly low in recent years. In 1996, only 16% of those aged 18 to 24 voted. But in the poll, two-thirds of those in this age group said they would prefer to

Online Political Education

The results are mixed when it comes to relying on the Internet for political education. For instance, only one in five of those surveyed said they have

Voting on The Internet?

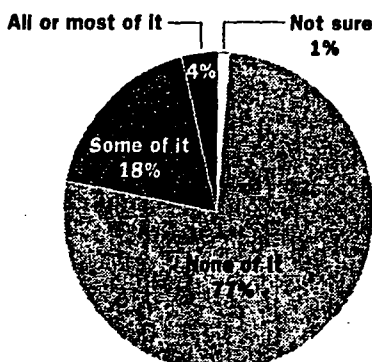
Suppose you had the choice between going to your polling place and using a traditional voting booth or voting at home or work via the Internet. Where would you prefer to cast your vote?



vote online, with 61% of those aged 35 to 49 and not quite half of the 50-to-64 age group agreeing. Not surprisingly, older people, who don't tend to use the Internet as much, were cooler to the idea, with less than 25% of those 65 and older saying they wanted to vote online.

But Holiday Shopping?

How much of your holiday shopping are you planning to do or have you done over the Internet—all of it, most of it, some of it, or none of it?



used the Internet to learn about political candidates or to follow campaigns. Yet almost half said they plan to use the medium as a source of information for next year's campaigns. Of those who said they will use the Internet as a political-information source, fewer than 10%

said it will be a primary source.

Despite all the publicity generated by the widespread deployment of glitzy Web sites by political parties and candidates, the poll suggests people aren't clamoring to view politicians' online offerings. Of those who said they plan to use the Internet to get campaign information next year, half said they probably would seek it out at Web sites operated by newspapers and other media companies, while a mere one in 10 said they would look to the candidates' sites.

Curtis Gans, director of the Committee for the Study of the American Electorate in Washington, said he questions whether that many people will seek out political information on the Internet. He said only highly motivated people tend to use the Internet to get political information, and they constitute a tiny segment of the potential electorate.

Mr. Gans also doubts the ease of online voting would significantly increase voter turnout. He noted the decline in voter turnout has come despite widespread efforts to make voting more convenient. That suggests "it's not ease of voting but motivation" that is needed, he said.

Voting online ultimately may not make a significant difference in the shape of American politics. Of those who would prefer to vote over the Internet, 52% favor Gov. George W. Bush of Texas, with 38% voting for Vice President Al Gore. That is only a slightly wider Bush margin than among other voters.

November 14, 1999

MEMORANDUM FOR ERIC LIU

FROM: Anna Richter

SUBJECT: Digital Democracy

Internet -
Dib Democracy

In 1992, there were 26,000 websites on the Internet; today there are over five million. Naturally, this mode of communication is appealing for political candidates for its capacity to reach millions of Americans at an unprecedented speed. In 1994, only one Senator had a website, Sen. Dianne Feinstein (D-CA), but this last April, an American University study reported that all 100 members in the U.S. Senate have websites and 94 percent of the members in the U.S. House of Representatives do.

The Internet, as a tool for politicians, has few limitations. Message opportunities are endless, interactive online discussions and debates are becoming expected of political candidates, and fund raising has surged through online networking. Last week, Bill Bradley became the first presidential candidate to surpass the \$1 million mark for online contributions, where as in 1996, online fund raising did not even exist. Even contributions from the computer industry have excelled, and as of June, 1999, direct industry contributions to Bush, Gore and Bradley totaled three times the total industry contributions received by Clinton and Dole combined in the 1996 election.

The role of the Internet in government and politics also triggers significant debate. Many argue that the Internet has the potential to undermine the concept of a democracy through widening the gap between the have and have-nots, fostering a slanted representation of the American voice. The vulnerability of cyberspace, especially with concern to online voting, harvests another debate, and can be summarized by the quote "vote early and vote often". Some also argue that the Internet will eliminate the need for live public discourse, while others rebut this citing the maintained influence of radio despite the popularity of television.

Disputes between the positive and negative effects the Internet can have on our Democratic system continue to develop because this field of technology and communication continues to grow unpredictably. The opportunities to increase voter participation is a positive effect to promote our system of Democracy, however, many of the political websites are not objective and provide skewed arguments on selected issues.

The Democracy Network (DNet): This network is an online project that was launched in 1996 by the Center for Congressional Studies (CGS), a non-profit, non-partisan public policy research organization based in Los Angeles, California. In 1997, the League of Women Voters (LWV) joined the project and a formal partnership was formed in early 1999. The DNet website provides an online debate forum for political candidates to present their positions, debate opposition and respond directly to voter questions, which they call the "Candidate Grid".

Since 1996, DNet has covered elections for the Presidency, the U.S. Senate and House, statewide offices, state legislative offices, and ballot measures. In the 1998 elections, DNet covered all 50 states, included nine full feature debate sites and 41 basic voter information sites, and the "hit rate" during the month prior to the '98 elections increased from 16,000 hits a day to

a high of 768,000 hits on election day. DNet plans to extend these sites with DNet partners throughout 1999 as well as provide coverage of all federal candidates in the 2000 elections.

On September 1, 1999, the Counsel for the Democracy Network sent an Advisory Opinion request to the Chairman of the Federal Election Commission in regards to the Federal Election Campaign Act of 1971 (the Act) and Commission regulations for a website that provides information about Federal candidates. The Commission ruled that DNet is exempt from the definition of "expenditure" and complies with FEC regulations. DNet has received funding from: Carnegie, Cummings Foundation, Ford Foundation, Hewlett Foundation, Irvine Foundation, MacAuthur Foundation, Markle Foundation, Rockefeller Family Foundation, Schuman Foundation, and the Open Society Institute.

The Digital Democracy Study Act of 1999. Rep. Jackson introduced this bill on Friday, November 5, 1999, which directs the President to conduct a study on the issues concerning the incorporation of online and Internet technologies in the voting process. The study is to include:

- a. An analysis of technologies in existing voting systems;
- b. The development of security standards for Internet and online voting systems, including the measures by which these standards are met;
- c. An analysis of the effect of online and Internet technologies on voter participation, public access to voting systems and the influence of external communications on the voting process.

The President will consult with an advisory group that will consist of members of the Federal Election Commission; National Association of Secretaries of State; International Association of Clerks, Recorders, Election Officials, and Treasurers; U.S. House of Representatives; U.S. Senate; and an expert in the field of election administration and Internet operations. The President is directed to report the study's conclusions to Congress within six months of the bill's enactment. Any recommendations for legislative action or other initiatives should also be presented in the President's report. The bill is expected to receive consideration this year.

Additional Online Political Databases:

Vote.com: <http://www.vote.com>

- An interactive website that allows visitors to vote on selected issues and then transmits the vote to the voter's congressional representative;
- Is non-partisan;
- Publishes an online magazine called the Fifth Estate;
- Founded by Dick Morris and his wife Eileen McGann and is funded by Dick Scruggs and Steve Bozeman.

FAQvoter.com:

- A profit-making, election-oriented website;
- Allows voters to set agenda by asking questions to candidates and the site issues all questions as they are received;

- Founder Rodota opposes Dick Morris' site for its "Washington insider" philosophy; picking the issues for the voters.

California Voter Foundation:

- Non-profit group;
- Has provided election info online since 1994.

California Internet Voting Initiative: <http://www.verisign.com>

- Will legalize on-line voter registration and voting.
- Reviewed and supported by the Campaign for Digital Democracy
- The original version of the initiative was called the Virtual Voting Rights Initiative in 1996.
- VeriSign, Inc. (VRSN) (also the leading provider of Internet trust services) was named California's first Licensed Certification Authority (CA) and also fully supports this initiative; it enables legally valid electronic communication between citizens and public entities.

Votation.com: <http://www.votation.com>

- A global elections services company and provides election services for governments, trade associations, labor unions, school districts, credit unions and corporations using both the Internet and traditional paper ballots;
- It is a private organization and it is headquartered in garden City, New York.

Votehere.net:

- A data security company;
- Is already selling Internet voting software and it has been tested in six mock elections.

Voting Integrity Project:

- Studies have shown that the average Internet user that is most likely to vote on-line is not the average voter, middle-class males 35 and under—college graduates;
- Greatest concern is with security, as a presidential election would probably be tempting for "cyberterrorists".

Politics.com:

- A website that provides information about campaign contributions from specific donors as well as specific amounts;
- Can gather details about campaign contributions through names or residence zip codes.

Voter.Com:

- Voters fill out e-questionnaires and search for candidates with whom they most often agree.

Project Vote Smart:

- Targets young voters;
- Provides links to government information at state and federal levels;
- Educates about legislative procedures.

Digital Democracy Group:

- A website design and production organization;

- Clients include, the Democratic Congressional Campaign Committee, DashPac (Sen. Daschle's PAC site), Boxer for Senate '98, and Pac to the Future (Rep. Pelosi's PAC site).

2ND STORY of Level 1 printed in FULL format.

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SEPTEMBER 13, 1999

SECTION: Pg. 20

LENGTH: 1549 words

HEADLINE: Voting Alone

BYLINE: Rick Valelly

HIGHLIGHT:

The case against virtual ballot boxes.

BODY:

Rick Valelly is associate professor of political science at Swarthmore College.

It's not often that a special school district vote has the potential to alter the course of American politics. But last April, when residents of the Puget Sound city of Shelton, Washington, cast their votes on questions such as whether the Pioneer school district should have "full-day kindergarten every day of the school year," they made American electoral history. That's because, of the 560 votes cast on the special ballot, 103 were "e-votes." Using a system developed by VoteHere.net of Kirkland, Washington, 103 netizens used their home or workplace computers to vote over the Internet.

This was the first time that voters in the United States had cast ballots by using the Internet, and it almost certainly won't be the last. Indeed, as public officials continue to search for ways to remedy the problem of dwindling voter turnout--the percentage of the eligible population that votes in presidential elections has declined from 63 percent in 1960 to 49 percent in 1996--e-voting, with its twin attractions of convenience and technological glitz, looms ever larger on the horizon. California Secretary of State Bill Jones is considering implementing statewide e-voting, and similar proposals are being debated in Florida, Minnesota, and Washington. Nor is e-voting just an American phenomenon. The British Home Office recently recommended it as one of several possible responses to declining electoral participation in the United Kingdom.

Now is the time to stop and think before we make what could be a big mistake. Not only will e-voting fail to reverse electoral apathy, it will actually lead us in the wrong direction. Voting is more than the simple act of indicating one's political preference. It's a vital public ritual that increases social solidarity and binds citizens together. The history of voting in America clearly shows that the physical mechanics of voting have a huge impact on the quality of our public life.

While the introduction of e-voting would certainly be significant, it would hardly be the first time Americans had experienced a dramatic change in the mechanics of how they vote. For most of the nineteenth century, voting was

completely public. White men--and, for several decades after the Civil War, black men, too--would cast party-strip ballots, distinctive strips of paper printed by the parties they supported, in full view of everybody gathered at the courthouse. To be sure, the public party-strip-balloting method was susceptible to vote-buying and intimidation. But, at the same time, public voting made ordinary Americans into an extremely partisan--and, consequently, civically engaged--people. You had to be partisan, after all, to be comfortable broadcasting your political affiliation to everyone you knew. Not surprisingly, voter turnout in national elections was phenomenally high--as high as 82 percent--during this period.

Progressives, however, focused on the negatives of public voting, and, in 1888, Massachusetts became the first state to adopt the secret ballot. From there, this method spread quickly to the rest of the country. While the secret ballot brought order to the process of voting, it also made voting much less of a collective enterprise, turning it into a solitary rite. The vote became so sanctified, in fact, that voter registration was introduced in the 1890s and was firmly in place across the country by the 1930s--the rationale being that if you couldn't take the time to register, you hardly deserved the privilege of voting.

Eventually, of course, it became clear that this new way of voting was subtly--and, in some places, not so subtly--exclusionary. In particular, the personal registration requirement could be, and often was, transformed into a potent weapon against minorities, the poorly educated, and the poor. But the 1965 Voting Rights Act--and its amendments and renewals in 1970, 1975, and 1982--brought the federal government's authority and resources to bear on such abuses by states and localities, and many of the problems have been remedied. Southern and Southwestern politics, for instance, have become far more inclusive, and reforms such as the bilingual secret ballot have been introduced. Finally, with the National Voter Registration Act of 1993, also known as the motor voter law, Congress sharply increased the number of locations where voter registration could take place.

Today, though, as voter turnout continues to decline, the primary concern about voting is not fraud or exclusion but convenience. Public officials seem to believe that the best way to boost voter turnout is to make voting easier to fit into everyone's busy schedule. And the way to do that is to devise methods that allow for "remote voting"--in other words, letting people vote from the comfort of their homes or offices instead of having to travel to out-of-the-way polling stations.

While the most common form of remote voting, the absentee ballot, has long been available to people who, for unavoidable reasons, cannot make it to their local polling place on election day, the newer methods of remote voting are designed for everyone. Last year, voters in Oregon overwhelmingly approved a ballot initiative creating statewide vote-by-mail elections--the idea being, as Oregon's Secretary of State Phil Keisling explained to The Washington Post, that the "polling place as a mechanism is an unnecessary obstacle for people exercising their franchise." Now e-voting is being actively considered for similar reasons. As Steve Grossman, former chair of the Democratic National Committee and a big e-voting booster, recently told The Hill, "If we are going to make voting truly universal and accessible then Internet voting is going to be a key ingredient in achieving that goal."

Opponents of e-voting generally raise two objections. One hinges on the issue of access: since access to computers and the Internet is already stratified by race and class, won't e-voting be similarly stratified? The answer is that it probably won't. Most plans to institute e-voting will take unequal Internet access into account and will therefore make provisions for e-voting at community centers and public libraries. (Of course, if people can't e-vote from their homes or offices, then they'd probably be just as happy voting at a regular, old-fashioned polling place.)

The second objection has to do with fraud, which is a big concern about any transaction conducted over the Internet. But it appears that the technology exists to make e-voting secure. VoteHere.net--the firm that helped with the Shelton school district vote--has developed a system using encryption and decryption routines that make e-voting as fraudproof as the ballot box, if not more so.

So, if everybody will be able to e-vote, and if e-voting is essentially fraudproof, what could be wrong with it? The problem is that e-voting will transform voting, an inherently public activity, into a private one. Even with the secret ballot, the mechanics of voting are still explicitly designed to remind us that, in principle, we are all equal members of a political community. On Election Day, we must leave our homes and offices, travel to a polling place, and physically mingle with people who are plainly our equals that day, no matter what other differences we have. Voting, as we currently do it, is a civic ritual, however brief it may be.

This ritual is valuable not just because it makes us feel good about ourselves. It also gets us to think about public issues differently than we would otherwise. While it's generally assumed that people vote on the basis of their pocketbooks, surveys show that most people actually focus on things such as the national good, not their narrow self-interests, when they vote. One possible reason for this: when people are obliged to leave their homes and enter the public sphere, as they do when they vote, they tend to be more public-minded.

E-voting, then, might aptly be called "voting alone." If our era is a time of citizen disengagement, of staring at screens and passing in and out of our gated communities or apartment fortresses as we wave to private security personnel, then e-voting from home is all too congruent with the spirit of the age. Far from enriching democracy, e-voting pushes us toward political anomie.

If we want to make voting more convenient and still preserve its uniquely public character, there are much better ways to accomplish this. One sensible reform would be to schedule elections on weekends instead of on Tuesdays. Another would be to abolish registration, as North Dakota has done, or to institute same-day registration, as Minnesota has.

But, in the meantime, suggestions of widespread e-voting should be treated as a Trojan horse. For more than 200 years, democratic citizens have gone outside on Election Day into a public sphere that for ten or twelve hours is abuzz with movement and talk. They have looked at their political equals with their own eyes. Do we want to trade all that in for a hollow "virtual" public sphere? Indeed, isn't the very concept of a virtual public sphere a contradiction in terms?

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LANGUAGE: English

LOAD-DATE: September 10, 1999

LEVEL 1 - 2 OF 4 STORIES

Copyright 1999 Microsoft Corporation
Slate Magazine

November 11, 1999, Thursday

SECTION: net election

LENGTH: 734 words

HEADLINE: Profiting From Politics

BYLINE: Elizabeth Wasserman

BODY:

Forget retailing. On the Net, the next hot online business is politics. Consider: On Voter.com, a site that launched last week, voters can fill out e-questionnaires and search for the candidates with whom they most often agree. On Politics.com, another new site, voters can plug in their ZIP codes to search Federal Election Commission filings to see who their neighbors donated to. On Vote.com, a site run by ex-Clinton adviser Dick Morris, citizens can answer a poll and have e-mails stating their positions automatically shipped to senators and representatives.

On the eve of the 2000 presidential election, the world of politics has shown it can embrace the Internet by offering a slew of for-profit Web sites. These and other sites are arming voters with tools that they have never had before to find information and express views. As a host of entrepreneurs chase the Internet gravy train, the question is whether politics can form the basis of a real company. Can a political Web site go public and raise millions?

"It's not like selling books on the Internet," concedes Jerry Anderson, a partner with Skywood Ventures, a Sand Hill Road VC firm that is funding Voter.com, which proposes to make revenue via personalization and advertising. "This is new and different and no one has done this before. ... We believe that lots of other people have made a business out of providing these messages and providing the medium. We don't see any reason why it won't be the same for the Internet."

Already, there are political content sites sponsored by major news outlets, such as the Washington Post's OnPolitics feature, where people can search for information via their ZIP code. There are party sites. And there are nonprofit sites that have made names for themselves by providing quality political information. One such site is the Democracy Network, which won a recent FEC ruling lifting the ban on nonprofits hosting online candidate debates. Other sites are experimenting with technology, such as FreedomChannel.com, which provides video-on-demand of the presidential candidates, broken down by issue.

"We thought at a time when you're introducing a new technology, it is probably wise to do so in a way that encourages public trust rather than public distrust," says FreedomChannel founder Doug Bailey. "For-profit sites face the same hurdle as any other site on the Internet: What is the motive behind the people providing the information? That begs the next question: What do they do

with the information I give them? What's their agenda?"

Marc Jacobson, president of Politics.com, a general-interest political content site, says that since politics is already a huge business in the physical world, there's no reason it shouldn't be in the online world. The business model for Politics.com involves selling ads. "It's the older, more educated, more affluent people who vote, and they also have higher Internet use," notes Jacobson, a former Prodigy exec. "I think that car manufacturers and computer manufacturers are all going to want to speak to this audience."

Voter.com, a site that uses personalization features to put people in touch with candidates, is also seeking ad revenues. The company contends that candidates and campaigns will be a source of this advertising, once the site starts to build traffic. "There's been a constant argument on the Web since the beginning. There's always been a push to do things for free for the good of the world," says Justin Dangel, Voter.com's 25-year-old founder, who has every hope of going IPO someday. "To pay for the resources to create a first-class political Web site," including staff, technology and marketing, Voter.com had to be for-profit, he adds.

Some observers are skeptical about the business models being proposed by the new political sites. "There is no money to be made billing for sending messages to the government," says Michael Cornfield, a professor at George Washington University.

Dick Morris, who paid \$250,000 for the Vote.com domain name, believes his site will help citizens express their views to elected officials. But the site has been criticized by the likes of Rush Limbaugh and other pundits for "spamming" the government.

Snaps Morris: "Anybody who thinks that getting a communication from a voter in your district is spam--that guy is pork. Roast pork unless he changes his point of view."

LANGUAGE: ENGLISH

LOAD-DATE: November 21, 1999

FOCUS - 2 OF 2 STORIES

Copyright 1999 Microsoft Corporation
Slate Magazine

October 26, 1999, Tuesday

SECTION: net election

LENGTH: 779 words

HEADLINE: Voting Online

BYLINE: Jacob Weisberg

BODY:

First of two parts

Next week, Jodi Kantor will report on the emergence of Internet voting and some of the obstacles to it, the most daunting of which is ballot security. But let's assume for the moment that the practical problems can be overcome. Will Internet voting be good news for American democracy?

The chief argument for e-voting is that it will cause more people to vote. As everyone knows, turnout has been declining. In presidential elections, it has fallen from 63 percent of the voting-age population in 1960 to less than 50 percent in 1996. There are many reasons for this, but one of them is surely the inconvenience of casting ballots in person. Before you can vote, you need to have registered, often several weeks before an election. Then you must go somewhere and stand in a line--on a day that seems scientifically chosen to maximize the odds of lousy weather. If you're going to be away from home on Election Day, you have to think ahead about getting an absentee ballot. E-voting would eliminate these hassles. Some advocates believe that it would have its greatest impact on participation by voters aged 18-24, who turn out in lower numbers than any other group.

On the other side are a variety of objections. In addition to concerns about fraud, some argue that Internet voting would accentuate the socio-economic skew of our elections. Wealthier, whiter people are more likely to vote than poor people and minorities. Since they're also more likely to own personal computers, online voting might exaggerate the disparity. There is also an argument that the familiar process of voting in person serves a civic purpose. Rick Valelly, a professor at Swarthmore College, argued in the New Republic recently that real voting is a "vital public ritual that increases social solidarity and binds people together." You might call this the communitarian objection. Valelly thinks that e-voting would create "political anomie."

I think it's fairly easy to answer the race-and-class argument. No one thinks that e-voting would replace r-voting any time soon. So long as it is an optional alternative, e-voting makes it easier for some people to vote--especially the handicapped, people living abroad, and frequent flyers--without inconveniencing anyone else. This is what's called a win-win situation. Over the next decade, access to the Internet is forecast to become dirt cheap and quasi-ubiquitous. But for those who still can't afford or don't want private access at home, there

will be public Internet terminals in libraries, schools--and probably grocery stores and bus stations as well. E-voting might actually be a boon to the poor, who often can't miss work to vote as easily as higher-income types can.

The communitarian objection is a bit more troubling. Around the world, people struggle and die for the right to vote, just as people in this country once did. If you've ever seen the once-disenfranchised standing in line all day to cast the first ballot of a lifetime in South Africa or Guatemala, it's hard not to be appalled at how cavalierly people treat voting in this country. It's tempting to say that anyone unwilling to sacrifice an hour to exercise the right to vote doesn't much deserve it. Having to take a bit of trouble to vote reminds you that voting is the cornerstone of all our rights. By eliminating the ritual, e-voting stands to diminish the meaning attached to it.

I'd say that this complaint is valid but not persuasive. The chief value of the ritual of voting is to convey the significance of voting to democratic citizens. Once the ritual becomes a deterrent to the act itself, as it pretty clearly has, it ceases to serve its purpose. In the end, the communitarian objection to e-voting seems more aesthetic than substantive. On the Internet, more of us will exercise our right and fulfill our civic responsibilities. We just won't meet in a church basement to do it. The trade-off of higher participation for poorer visuals would seem one well worth making.

In fact, e-voting is less of a leap than it might seem. When you think about it, voting has long been a fusion of public and private, of tradition and technology. The secret ballot was a Progressive Era reform. Voting machines--which utilize primitive, punch card computer processing--came into widespread use in the 1960s. These two innovations mean that we already vote privately by computer--we just visit a public place to do so. It's not that nothing will be lost when we all vote from remote terminals instead of at the local polling place. But what we stand to lose is ephemeral. What we stand to gain from virtual voting is very real.

LANGUAGE: ENGLISH

LOAD-DATE: November 21, 1999

FOCUS - 1 OF 2 STORIES

Copyright 1999 Microsoft Corporation
Slate Magazine

November 2, 1999, Tuesday

SECTION: net election

LENGTH: 1178 words

HEADLINE: Obstacles to E-Voting

BYLINE: Jodi Kantor

BODY:

This is the second in a two-part series about Internet voting. To read Part 1, by Jacob Weisberg, [click](#) .

Every year around this time, Americans lament our low voter turnout rate--44.9 percent in 1998, putting us 138th in a list of 170 voting nations. This explains the growing interest in Internet voting, which promises to do for democracy what Amazon.com did for books. Aside from making voting vastly more convenient, say its supporters, [click 'n'](#) pick elections could theoretically eliminate fraud, allow instant recounts, and save pots of money.

Buoyed by these hopes, election boards across the country have begun to take tentative steps toward wired elections (many private organizations--most notably universities and unions--already conduct internal elections online). State officials in California, Florida, Washington, Iowa, Minnesota, and New Mexico are all examining online voting. In California, the Campaign for Digital Democracy is collecting digital petitions for a ballot initiative that would legalize Internet voting--though virtual signatures aren't legally valid, at least not yet. Software companies eager to showcase their e-voting wares have held mock online elections in Iowa, Washington, and Virginia. And today, under a pilot project run by the Department of Defense's Federal Voting Assistance Program, 350 military personnel posted overseas will vote online. If the test goes well, the FVAP will consider eventually making online voting available for all Americans living abroad.

E-voting isn't nearly as radical as it sounds, for two reasons. First of all, a large and growing proportion of Americans--about 50 percent of Washington state's electorate and a quarter of Californians--already mail in their votes via absentee ballot. Oregon, the most aggressive remote-vote state, has abolished polling places entirely and now conducts elections exclusively by mail. Local jurisdictions in 15 other states have conducted all-mail elections too. While online elections would use fancier technology, they're based on the same premise--that you can send polling authorities a document that will serve as your proxy.

Second, as pointed out in this space last week, Americans have already been voting by computer for years. Most polling places use one of three computer-based technologies: punch cards, optical scans, or electronic recording. (Less than one-fifth of the electorate uses old-fashioned mechanical

lever machines, which aren't even being made anymore.) Most experts expect the next generation of voting technology to be Internet-based. And once voters start using Internet terminals at polling places, it's a short step to using the same technology from home or work.

But for this to happen, software makers will have to devise voting systems that are demonstrably secure. All of those currently being developed employ digital signature technology--a cryptographic alternative to traditional signatures that identifies a document's origin and verifies that it hasn't been altered while being transmitted (click here for a primer). Banks and insurance companies already use digital signatures to transfer large sums of money online.

Here's how it might work: A few weeks before the election, you visit your county's Web site and print out a form declaring that you'd like to vote online. You sign it and send it--via snail mail--to your local election authorities. The authorities verify that your signature matches the one on your original registration form at the county courthouse and also record the digital identity of the computer from which you've downloaded the form. You're then sent a PIN that will work only from that computer. On Election Day, you log onto the site using your PIN and check off your choices on a Web-based ballot. Once you're done voting, your ballot is encrypted--transformed into an unintelligible mathematical code using an elaborate algorithm--so that it can't be read during transmission. When it arrives, a central computer records both that your ballot was cast and the contents of the ballot, but in two separate places. Keeping this information separate means that election officials can verify that you voted without seeing how you voted. Another copy of the data is burned into a CD as a backup.

On an individual level, the system is about as secure as an absentee ballot. Just as you could sign an absentee ballot but let someone else fill it out, there's little to stop you from allowing someone to vote with your computer and PIN--or to stop someone else from forcing you to turn yours over. But an interloper would have to obtain thousands of PINs and computers to influence any election. And one day online voting may be far more secure than absentee voting. Software designers hope eventually to use biometrics--voice and fingerprint recognition--to check each voter's identity.

Election officials are far more worried about mass cheating. Since regular polling places are scattered in thousands of locations around the country, large-scale fraud is almost impossible. But if a federal election was run from a central server, hackers could flood it with activity or jam phone lines, preventing people from logging on to vote. Software makers say they'll address that problem by using multiple servers and telephone lines. But the Voting Integrity Project--a nonprofit group that monitors election soundness--calls nationwide Internet voting "a large, non-moving, target to potential vote thieves or hackers."

Any state that implements online voting may also have to contend with legal issues of representation. The Voting Rights Act, passed in 1965 to end discrimination against blacks, prohibits several (mostly Southern) states and counties from making any change in voting procedures without federal approval. This clause applies to even minor changes that could reduce minority participation. Given the "digital divide" between well-wired white and Asian voters on the one hand and less technology-equipped blacks and Latinos on the

Voting
Rights
Act

other, online elections could be seen as an infringement on voting rights. (For more on Internet use among different socio-economic groups, see the Commerce Department's "Americans in the Information Age: Falling Through the Net.")

But the most formidable obstacle to online voting may be entrenched interests threatened by change. In Oregon, vote-by-mail took a decade to go from proposal to implementation because of skepticism by citizens and politicians. "It's like campaign-finance reform--the people who control it are products of the system," says online voting evangelist Marc Strassman. (Strassman is in charge of business development for Votation.com, an Internet voting company, and is also the founder of the Campaign for Digital Democracy, the group behind the California ballot initiative.) Phil Keisling, Oregon's secretary of state and a champion of vote-by-mail, agrees, "The question behind closed doors is, 'Will this help our candidate?' There's clearly a strain of people who hope for low turnout."

LANGUAGE: ENGLISH

LOAD-DATE: November 21, 1999

PROJECT VOTE SMART

National Survey on Youth and Civic Engagement

Background:

The purpose of the study was to identify key issues that concern young adults in America and was funded by The Pew Charitable Trusts as part of a national program to identify the issues young voters are most concerned with and how to engage young voters in the 2000 Presidential election. The survey was designed by staff at Project Vote Smart, MTV, The Pew Charitable Trusts, the Medill News Service and researchers at Washington State University and Oregon State University. The sample has two components: 1) a nationwide random sample of 1014 adults age 18 and older; and 2) a subsample of 312 young people 18 to 25 years of age. The respondents resulted in a total of 454 18 to 25 year olds and 872 people older than 26 years of age. The conclusions are based on telephone interviews that were conducted from July 12 to August 10, 1999 by trained university interns and Project Vote Smart staff.

Conclusions:

Trust in Government – Both indicated more trust in local government than federal government, but a significant percentage indicated trust in “none of them”:

Young: 24 %

Older: 19%

Important Problems – The issues of greatest concern for each group:

Young: Jobs and Economy (first and second), Education and Crime (ranked third and of equal concern).

Older: Social Security and Health Care.

Sources of Issue Information – The majority (56%) of both groups believe that that media does a poor job of reporting on matters of national interest. However, the information sources did differ between the two groups:

Young: 70% use the Internet as their primary source, but 79% of the young respondents said they needed a more accurate source of information on political issues and candidates.

Older: Television was the primary source for information (the percentage was not available).

Registration and Voting – The results proved a gap between the two age groups in voter registration and an even larger gap in response to projected voter participation in the 2000 election:

Young: 65% “intend” to vote, while 45% “definitely will” vote.

Older: 78% “intend” to vote, while 64% “definitely will” vote.

Political Information – Five information questions about government and current issues were included in the survey. The average number of questions answered correctly for each age group:

Young: 2.88 (out of 5).

Older: 3.4 (out of 5).

NYT 11/23: Republican Leader Hands Out Tech Homework

By Jeri Clausing

The House Republican Conference Chairman sent other committee members home for recess with an 800 page “High-Tech Action Kit” to help them communicate with and educate their communities about the prospects that technology holds for future business. The Representatives were also encouraged to promote the Internet as a means for constituents to communicate with their Congressional Representatives.

Mindshare Internet Campaigns LLC – an online political strategies firm that assisted in the development of the New Democrat Network website.

Echelon Watch – the ACLU has launched this website to educate the public about the global surveillance system Echelon; has been subject to several investigative reports, which indicate that the project is led by the National Security Agency (along with counterparts in Britain, Canada, Australia and New Zealand). The NSA has also refused to share with Congress (and the public) the legal guidelines for the project/website. The U.S. House Government Reform and Oversight Committee will hold hearings on Echelon within the next several months.

- The ACLU claims that Echelon is trying to “capture” all satellite, microwave, cellular and fiber-optic communications worldwide, including communications to and from North America. Then computers sort through conversations, faxes and e-mails and search for keywords or other flags. Then any correspondence that contains any flags is sent to the agency that requested them; the report suggested that Echelon had been used in Britain to spy on Amnesty International and Christian Aid.

Bipartisan Tech Lobbying Firm – Quinn, Gillespie Associates: Ed Gillespie (former RNC Communications Director) and Jack Quinn (former WH counsel) have established a new firm to focus on high tech, “corporate and industry positioning and public affairs”.

NYT 11/23: Cheap Online Fundraising Is a Boon to Political Groups

By Rebecca Fairly Raney

Online fundraising is making small donations worth seeking, which could expand the target population of public interest groups to include more middle Americans, and not simply the wealthiest Americans.

It also provides a target audience that may not respond to other forms of communication, such as paper letters, brochures and phone calls.

Two issue-focused PAC’s that were established online are Move On and the House Managers Political Action Committee. Move On was created when founders Joan Blades and Wes Boyd sent 100 e-mails to friends and families regarding their opposition to the Congress’ decision to move forward with impeachment. The result was that 300,000 people joined them in their circulation and Move On then established a political action committee and collected campaign

contributions to back Democratic candidates running against members of Congress who supported the impeachment efforts.

The House Managers PAC was also established during the impeachment debates, but this effort supported the move for impeachment. The group has only published one advertisement in the Washington Times, and has collected a total of \$60,000.

The National Republican Senatorial Committee receives most direct-mail contributions from citizens over 60 years of age. In contrast, when the RNC launched a page on their website last month called "StopHillaryNow.com", the average online donor is 34 years of age.

A study conducted by Craver, Mathews, Smith and Co found that about 25 percent of adults in the U.S. are active in social issues and use the Internet. Almost 2/3 of all traditional political campaign donors are older than 60, while the average age of an Internet user is 42.

The Digital Democracy Study Act of 1999

H.R. 3232

Introduced on November 5, 1999 by Representative Jesse Jackson Jr.

Summary

A bill to direct the President to conduct a study on issues relating to the incorporation of online and Internet technologies in the voting process and for other election purposes. The President is directed to submit a report on the study within six months of the enactment of this Act. The report should include legislative recommendations and any other findings appropriate to the concerns relating to the Internet and the election process.

The study should include:

- a. An analysis of the use of the technologies used in the existing voting systems
- b. The determination of proper security standards for online and Internet voting systems and the development of measures to ensure that such security standards will be met.
- c. An analysis of potential effects of online and Internet voting systems on:
 - voter participation;
 - public accessibility to such voting systems;
 - external communications influence on the voting process;
 - other matters of concern related to voting conduct and administration.

The President should also select an Advisory Group from nominees provided by the following:

- a. One member from the FEC;
- b. One member from the National Association of State Secretaries;
- c. One member from the International Association of Clerks, Records, Election Officials, and Treasurers;
- d. One member should be an expert in the administration of elections and the operation of online and Internet technologies;
- e. Four members will be selected from a list of U.S. Representatives provided by the speaker and minority leader of the House;
- f. Four members will be selected from a list of U.S. Senators provided by the majority and minority leaders of the Senate.

106TH CONGRESS
1ST SESSION

H. R. 3232

To direct the President to conduct a study of issues relating to the incorporation of online and Internet technologies in the voting process, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 1999

Mr. JACKSON of Illinois (for himself, Mr. FRANKS of New Jersey, Mr. KENNEDY of Rhode Island, Ms. LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. HILLARD, Mr. GUTIERREZ, and Mr. OWENS) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To direct the President to conduct a study of issues relating to the incorporation of online and Internet technologies in the voting process, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Digital Democracy
5 Study Act of 1999".

1 **SEC. 2. PRESIDENTIAL STUDY OF ISSUES RELATING TO ON-**
2 **LINE AND INTERNET VOTING.**

3 (a) IN GENERAL.Ð The President shall conduct a
4 study of issues raised by the incorporation of online and
5 Internet technologies in the voting process, and shall in-
6 clude in the study the following items:

7 (1) An analysis of the use of such technologies
8 within existing voting systems and the need to col-
9 lect, store, and process electronically generated and
10 transmitted digital messages in order to permit indi-
11 viduals to register to vote and vote (whether in per-
12 son or through the use of absentee ballots).

13 (2) The development and determination of ap-
14 propriate security standards for voting systems that
15 incorporate online and Internet technologies, includ-
16 ing measures for certifying that the systems meet
17 such standards.

18 (3) An analysis of the potential effects of using
19 online and Internet technologies on voter participa-
20 tion rates, public accessibility to voting systems, the
21 influence of external communications on the voting
22 process, and other matters related to the conduct
23 and administration of elections.

24 (b) CONSULTATION WITH EXPERTS.Ð In conducting
25 the study under this section, the President shall consult

1 with an advisory group whose members shall be selected
2 by the President as follows:

3 (1) One member shall be selected from among
4 a list of nominees provided by the Federal Election
5 Commission.

6 (2) One member shall be selected from among
7 a list of nominees provided by the National Associa-
8 tion of Secretaries of State.

9 (3) One member shall be selected from among
10 a list of nominees provided by the International As-
11 sociation of Clerks, Records, Election Officials,
12 and Treasurers.

13 (4) One member shall be an individual with ex-
14 pertise in the administration of elections and the op-
15 eration of online and Internet systems.

16 (5) 4 members shall be selected from among a
17 list of nominees provided jointly by the Speaker and
18 minority leader of the House of Representatives.

19 (6) 4 members shall be appointed from among
20 a list of nominees provided jointly by the majority
21 and minority leaders of the Senate.

22 **SEC. 3. REPORT TO CONGRESS.**

23 Not later than 6 months after the date of the enact-
24 ment of this Act, the President shall submit to Congress
25 a report on the study conducted under section 2, and shall

- 1 include in the report such legislative and other rec-
- 2 ommendations as the President considers appropriate to
- 3 address the issues covered under the study.



The California Internet Voting Initiative (CIVI)

Summary

The goal of the California Internet Voting Initiative is to broaden and promote voter participation in state elections and will appear on the 2000 ballot as an amendment to the Elections Code if 420,000 signatures are collected. This initiative would enable eligible voters to register and vote over the Internet in statewide elections. The initiative also outlines the responsibilities of state officials to carry out an accurate and democratic election. The duties are allocated as follows:

Secretary of State – to develop measures to identify and authenticate voters.

State Counties – to provide the means for Internet registration and voting for all electoral jurisdictions.

Election Officials – to offer non-Internet registration and voting for all electoral jurisdictions.

People of California – to:

- a. Authorize the use of the Internet for elections purposes;
- b. Require the Secretary of State to develop standards (within 90 days of enactment) for which the Internet can be used for election purposes;
- c. Allow for voting and registration over the Internet from any platform that provides Internet access;
- d. Require the Internet voting system to adopt means and practices to prevent voting fraud and manipulations and also appropriate penalties for such illegal acts;
- e. Adopt a policy of providing all voters with means of identifying and authenticating themselves over the Internet from any platform providing Internet access in order to carry out the electoral procedures authorized by this amendment;
- f. Adopt a policy of providing necessary means to ensure the confidentiality of information transmitted through this amendment.

Proposed Law

The proposed law has nine chapters:

1. General Provisions
2. Establishment of Standards
3. Establishment of Means to Identify and Authenticate Voters
4. Voter Registration Over the Internet
5. Voting Over the Internet
6. Adding Ballot Cast Over the Internet to Non-Internet Votes to Calculate Overall Totals
7. Continuation of Non-Internet-Based Election Services
8. Penalties
9. Defense of this Initiative

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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

INTERNET VOTING, VOTER REGISTRATION. INITIATIVE STATUTE. Entitles any eligible person to register to vote and vote over the Internet. Specifies criteria for lawful Internet voting systems. Requires Secretary of State to accredit means of identifying and authenticating voters. Requires counties to provide means for Internet registration and for all public electoral jurisdictions to provide means for Internet voting. Specifies periods for Internet voting. Re-iterates responsibility of elections officials to offer non-Internet voter registration and voting. Criminalizes any attempt to violate the integrity of a system for delivering election services over the Internet and specifies punishments.

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose amendments to the Elections Code, relating to voting and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law.

PROPOSED LAW

The California Internet Voting Initiative

SECTION 1. In order to promote broader participation in the state's electoral processes, it is the intent of the People of California in enacting this act to legalize the use of the Internet for voter registration and the casting of ballots in all elections conducted by public entities in California, to establish the right of every California voter to register to vote and vote over the Internet from any platform anywhere providing Internet access, including, but not limited to, homes or offices, and to require that every public electoral jurisdiction in California provide the means by which voters in that jurisdiction may vote in elections in that jurisdiction by means of the Internet from any platform anywhere providing Internet access, including, but not limited to, homes or offices. To implement this goal, it is the intent of the People of California to do the following:

- (a) Authorize the use of the Internet for election purposes, including voter registration and the casting of ballots.
- (b) Require the Secretary of State, within 90 days of the enactment of this act, to develop and adopt standards according to which the Internet may be used for these purposes.
- (c) Allow for the casting of ballots and the registration of voters by electronic means over the Internet from any platform anywhere providing Internet access, including, but not limited to, homes or offices.
- (d) Minimize the wrongful manipulation, fraudulent use, or violations of the integrity of the means by which the Internet is used for these purposes by requiring Internet voting systems to employ suitable technologies and practices, and establish suitable sanctions against those illegal acts.
- (e) Adopt a policy of providing all voters with suitable means of identifying and authenticating themselves over the Internet from any platform anywhere providing Internet access, including, but not limited to, homes or offices, in order to perform the electoral functions covered by this measure.
- (f) Adopt a policy of providing suitable means of assuring the confidentiality of information communicated under this bill.

SEC. 2. Division 16.5 (commencing with Section 116950) is added to the Elections Code, to read:
DIVISION 16.5. USE OF INTERNET FOR ELECTORAL PURPOSES

CHAPTER 1. GENERAL PROVISIONS

16950. Notwithstanding any other provision of law, a qualified voter in this state may register to vote and/or vote in a direct primary, statewide general, special election or any other public election conducted by the State of California or any electoral subdivision thereof, using the Internet, from any platform anywhere providing Internet access, including, but not limited to, homes or offices, using means that have been approved pursuant to Chapter 2 (commencing with Section 16955).

16951. For the purposes of this division:

(a) "election services" means voter registration and the casting of ballots.
(b) "ballot" means an electronic record containing all of, and only, the candidates for local, state, or federal office, and the state and local measures for which the voter is entitled to vote, in whatever order is mandated by law.

(c) "physical polling place" means a traditional, walk-in polling place.

(d) "system for delivering election services over the Internet" means an assemblage of computer hardware, computer software, and network resources, together with the internal processes and operational procedures whereby these components are utilized to deliver election services.

(e) "casting of ballots" means voting.

(f) "system availability" means the percentage of the time during which a system responds appropriately to legitimate and authorized requests.

(g) "master ballot information" means instructions for properly constituting the contents of ballots for the voters in a particular jurisdiction or set of jurisdictions.

(h) "the Internet" means the global, inter-connected network of networks originating from the ARPAnet.

(i) "over the Internet from any platform anywhere providing Internet access" means that voters may exercise their rights under this initiative to register to vote or vote from any device or by any means, now in existence or to be later invented or discovered, which allows them to access an Internet website through which they perform these activities, no matter where that device or means is located.

(j) "homes or offices" means places of residence, whether principal or not, including, but not limited to, single-family homes, condominiums, rental units, hotels, motels, and trailer parks, and places of work, including but not limited to, business offices, satellite and telecommuting workplaces, home offices, retail establishments, restaurants, medical offices, hospitals, or any other location, building, or place wherein any person, at any time, works.

(k) "public electoral jurisdiction" means any government agency responsible for carrying out public elections. Such agencies include, but are not limited to: the State of California, each of the state's counties, charter cities, general law cities, community college districts, and special districts.

16952. Unless a provision of this division expressly requires otherwise or is inconsistent with another provision of this code, each provision of this code that would otherwise regulate the casting of ballots, counting and reporting of ballots or registration of voters shall apply to this division, including, but not limited to, any civil or criminal penalties associated with those activities, any duties imposed on state or local elections officials, and any established timeframes.

CHAPTER 2. ESTABLISHMENT OF STANDARDS FOR INTERNET ELECTION SYSTEMS

16955. The Secretary of State shall establish standards for the use of the Internet for electoral purposes and shall approve and certify for use for these purposes systems that meet the criteria set out in Section 16956.

16956. To qualify for use in an election, a system intended for such use shall demonstrate the existing capacity to do all of the following:

(a) Provide for the secure identification and authentication of each eligible voter utilizing the system.

(b) Provide for the secure identification and authentication of all elections officials, electoral jurisdictions and of all network servers, application servers and all other relevant components of the computing base used for elections by the elections officials and electoral jurisdictions supervising and responsible for voter registration or voting, as appropriate.

(c) Protect the confidentiality and integrity of each voter's ballot.

(d) Provide for the effective disassociation of the content of a voter's cast ballot from the identity of

the voter casting it.

(e) Prevent the casting of multiple ballots in any election or multiple registrations as a voter by any person.

(f) Provide protection against tampering, fraudulent use, illegal manipulation, or other abuse by voters, elections officials, any other government agent or official, or any other individual, group, organization, or association of persons.

(g) Be easy to use by the voters using it and by the elections officials operating it.

(h) Provide each voter using it to vote with a ballot containing all of, and only, the candidates for local, state, or federal office, and the state and local measures for which the voter is entitled to vote, in whatever order is mandated by law.

(i) Provide the means by which voters may cast write-in votes in electronic form for candidates whose names do not appear on the ballot but who have qualified for write-in status.

(j) Provide at least 98 percent system availability during the electronic voting period established by law and for as long after the close of the voting period as is required in order to assure the full and complete communication of all voting information.

(k) Be sufficiently scalable to provide voting access to all voters in the jurisdiction where it is employed, during the same hours when physical polling places are open for voting on election day.

(l) Be accessible to all voters, including all voters with disabilities, consistent with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).

(m) Be capable of being upgraded as technology improves.

(n) Provide support for non-repudiation of all electronic electoral transactions involving voter registration and the casting of ballots between and among voters, elections officials, and electoral jurisdictions.

(o) Be readily available for an audit of its contents, results, and process by a competent accounting firm at a level sufficient to assure the integrity of the system according to generally-accepted accounting principles.

(p) Be capable of securely transmitting information over a network.

(q) Be capable of hosting and operating an Internet website that can securely and accurately carry out all the election functions authorized in this division to be conducted over the Internet (voter registration and voting) and of securely and accurately transmitting all elections data (including that from registration forms and ballots) collected and processed by it in performing these functions to the appropriate election authorities.

(r) Be capable of conducting recounts of ballots.

(s) Be capable of issuing electronic receipts to users to memorialize their registration and voting.

16957. (a) Before any system for delivering election services over the Internet may be used by voters, the Secretary of State shall perform the tests necessary to establish that the system in question conforms to the requirements of Section 16956 and the standards adopted by the Secretary of State pursuant to this division. The Secretary of State may contract with a recognized independent testing facility to perform the tests required by this section.

(b) The Secretary of State, or a recognized testing facility designated by the Secretary of State to perform the tests required by this section, shall examine each system proposed for use in the delivery over the Internet of election services and either accredit that it is fit for use or deny it accreditation within 90 days of its submission to the Office of the Secretary of State or to a testing facility designated by the Secretary of State to perform the tests required by this section.

(c) If approval is denied, the denial shall specify in writing the reasons for the denial and what specific remediations or modifications must be made to the disapproved system in order for it to qualify for subsequent accreditation.

(d) The Secretary of State, or a recognized testing facility designated by the Secretary of State to perform the tests required by this section, may, at their discretion, require a fee to be paid by the owner of the system sufficient to cover the reasonable costs of testing it for compliance with the requirements of this section.

(e) Once the Secretary of State has accredited a system for use in the delivery of election services over the Internet, it shall be designated as accredited by the Secretary of State for use by voters and all electoral jurisdictions within the state and may, immediately upon this accreditation, be used for this purpose.

CHAPTER 3. ESTABLISHMENT OF MEANS TO IDENTIFY AND AUTHENTICATE VOTERS

16960. The Secretary of State shall identify and accredit means by which voters are able to identify and authenticate themselves over the Internet in order to securely access and use the election functions covered by this measure (voter registration and voting). These means may include, but are not limited to, the use of digital certificates and signatures, other electronic signature methods, or biometric means, including voice, iris, or retinal scans, fingerprints, or DNA prints.

CHAPTER 4. VOTER REGISTRATION OVER THE INTERNET

16962. (a) The Secretary of State shall develop and adopt rules and regulations for the registration of voters over the Internet, from any platform anywhere providing Internet access, including, but not limited to, homes and offices, using one or more of the means of identification and authentication approved by the Secretary of State pursuant to Section 16960. The purpose of the rules and regulations developed and adopted by the Secretary of State under the provisions of this section shall be to make the process of registering voters over the Internet herein mandated as fair, honest, convenient, and accessible as possible.

(b) These rules and regulations shall assure that information used for the purposes of voter registration will be transmitted accurately, securely, and confidentially over the Internet.

(c) The chief elections officer in each county shall make available to all eligible citizens within that county the means by which they may, from any platform anywhere providing Internet access, including, but not limited to, homes or offices, register to vote.

(d) County and other elections officials may, at their discretion, make available the means to register to vote to all eligible citizens over the Internet from any platform anywhere providing Internet access, including, but not limited to, homes or offices, using their own staff and equipment or they may contract for the use or purchase of such means with one or more owners of accredited systems for delivering election services over the Internet. When a county chooses to itself provide the means to register to vote over the Internet from any platform anywhere providing Internet access, including, but not limited to, homes or offices, the system it creates and uses to deliver this service must meet the same standards set out in Chapter 2 of this Section and be approved for that purpose by the Secretary of State or a recognized testing facility designated by the Secretary of State to perform the tests required in Chapter 2 of this Section.

(e) Any attempt, successful or otherwise, to fraudulently register to vote over the Internet shall be prosecuted and punished in accordance with all existing laws against fraudulent voting registration, with additional penalties added according to the provisions of Sec. 16995 below.

CHAPTER 5. VOTING OVER THE INTERNET

16965. The Secretary of State shall develop and adopt rules and regulations for the casting of ballots over the Internet, from any platform anywhere providing Internet access, including, but not limited to, homes and offices, using one or more of the means of identification and authentication approved by the Secretary of State pursuant to Section 16960. The purpose of the rules and regulations developed and adopted by the Secretary of State under the provisions of this section shall be to make the Internet voting process herein mandated as fair, honest, convenient, and accessible as possible. These rules and regulations shall, at a minimum, assure that:

(a) the transmission of master ballot information from local elections officials into Internet voting systems and ballots cast over the Internet to local elections officials shall be done accurately, securely, and confidentially over the Internet.

(b) the system being used by a public electoral jurisdiction to provide Internet voting services shall provide a ballot to each voter choosing the Internet voting option that contains all of, and only, the candidates for local, state, or federal office, and the state and local measures for which the voter is entitled to vote.

(c) the identity and authenticity of the Internet voting system being used by voters is definitively established for each voter as part of the voting process.

(d) the ballots cast by, or at the instigation or direction of, any person attempting to cast more than one electronic ballot, or an electronic ballot and one or more other ballots at a physical polling place, by mail-in absentee ballot, or by any other means of voting, now or later to be authorized, with the intent to violate the integrity of the Internet voting system by casting one or more fraudulent ballots, or to unlawfully cast the electronic ballot of another voter, shall be disqualified.

16969. (a) Elections officials in every electoral jurisdiction, including, but not limited to, every county, shall make available to all eligible citizens within their jurisdiction the means to vote over the Internet from any platform anywhere providing Internet access, including, but not limited to, homes or offices, in all elections conducted by and within any electoral jurisdiction.

(b) County and other elections officials may, at their discretion, provide the required systems for voting over the Internet using their own staff and equipment or they may contract for the use or purchase such systems with one or more owners of accredited systems for delivering election services over the Internet. When a county chooses to itself provide the means for the casting of ballots over the Internet, the system it creates and uses to deliver this service must meet the same standards set out in Chapter 2 of this Section and be approved for that purpose by the Secretary of State or a recognized testing facility designated by the Secretary of State to perform the tests required in Chapter 2 of this Section

16971. Any voter may vote using an accredited system for delivering election services over the Internet selected by the electoral jurisdiction in which they are registered to vote, using one of the means of identification and authentication approved by the Secretary of State pursuant to Section 16960, from any platform anywhere providing Internet access, including but not limited to, homes and offices, during either:

(a) The same time period during which absentee ballots are accepted in that jurisdiction, or

(b) The same hours provided for voting at physical polling places on the day elections are held in that jurisdiction.

CHAPTER 6. ADDING BALLOTS CAST OVER THE INTERNET TO NON-INTERNET VOTES TO CALCULATE OVERALL TOTALS

16975. At each election, each public electoral jurisdiction shall tabulate the results of the ballots cast by voters within its jurisdiction over the Internet and add these results to its non-Internet voting totals to calculate the overall results.

CHAPTER 7. CONTINUATION OF NON-INTERNET-BASED ELECTION SERVICES

16991. Nothing in this division may be construed to relieve local elections officials from providing registered voters, who so choose, with the opportunity to cast ballots in the manner required by other provisions of this code or to continue to register voters, who so choose, in the manner required by other provisions of this code.

CHAPTER 8. PENALTIES

16995. Any person who interferes with the lawful operation of any electoral activity conducted electronically pursuant to this division with the intent of committing fraud or violating the integrity of any system used for these activities, including its internal code, contents, or results, is guilty of a crime for each occurrence, punishable by imprisonment in the state prison for 16 months or two or three years, or in a county jail for not more than one year, or a fine of not more than ten thousand dollars (\$10,000), or by both that imprisonment and fine. In addition, as a condition of parole, any individual found guilty of a crime pursuant to this section may be prohibited from using any electronic network for a period of not more than the term of parole.

CHAPTER 9. DEFENSE OF THIS INITIATIVE

16996. The proponent(s) of this initiative shall have standing to defend this measure in court.
16997. Any challenge to this measure shall originate in the California Supreme Court.

SEC. 3. The Legislature shall amend and revise the Elections Code or any other related provision of law as necessary to further the implementation of Division 16.5 (commencing with Section 16950) of the Elections Code within the timeframes set forth in that division.

SEC. 4. The provisions of this measure are severable. If any provision of this measure or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.