

12-27-1999

Elections. Use Of Internet For Voter Registration And Voting.

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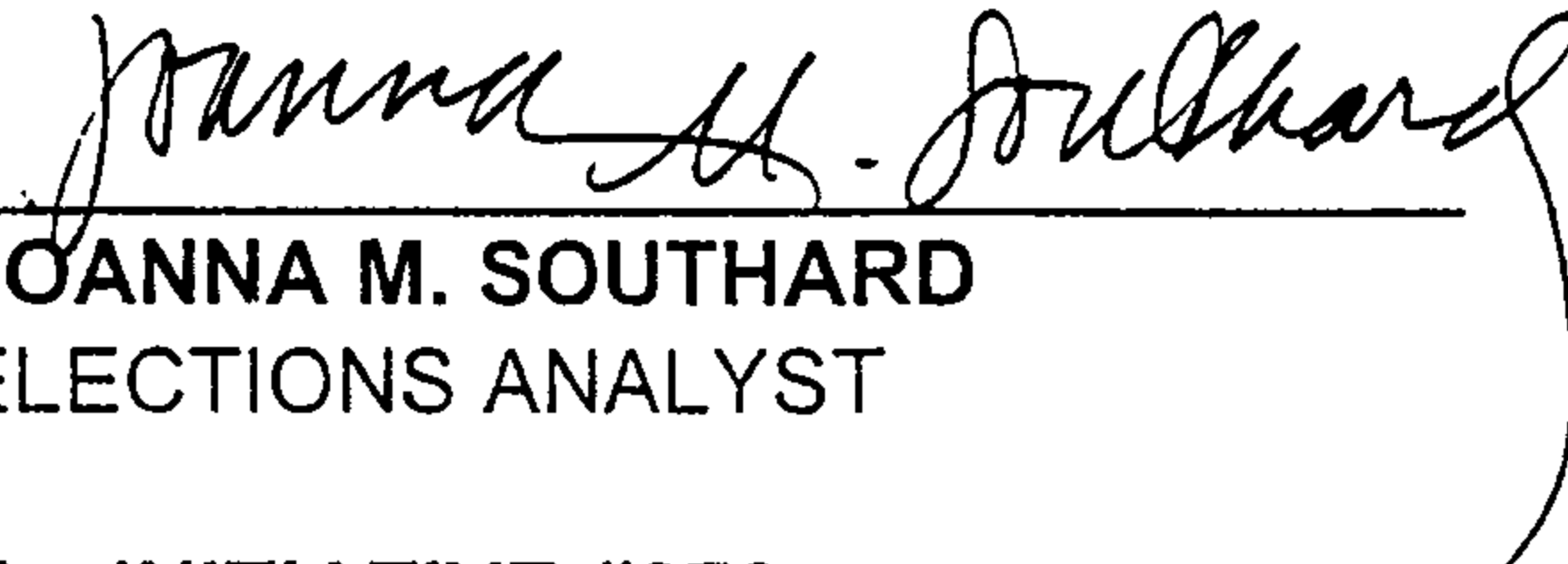


BILL JONES
Secretary of State
State of California

ELECTIONS DIVISION
(916) 657-2166
1500 - 11th STREET
SACRAMENTO, CA 95814
Voter Registration Hotline
1-800-345-VOTE
For Hearing and Speech Impaired
Only
1-800-833-8683
e-mail: comments@ss.ca.gov

December 27, 1999

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (99316)

FROM: 
JOANNA M. SOUTHARD
ELECTIONS ANALYST

SUBJECT: INITIATIVE #870

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**ELECTIONS. USE OF INTERNET FOR
VOTER REGISTRATION AND VOTING.
INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Marc Strassman
11905 Kling Street, #17
Valley Village, CA 91607-4039

RECEIVED
JAN 04 1999
11:00 AM

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#870
ELECTIONS. USE OF INTERNET FOR
VOTER REGISTRATION AND VOTING.
INITIATIVE STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 419,260
California Constitution, Article II, Section 8(b)

2. Official Summary Date:..... Monday, 12/27/99
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336) Monday, 12/27/99

 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (EC §336, 9030(a)) Thursday, 5/25/00

 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (EC §9030(b))..... Wednesday, 6/7/00

(If the Proponent files the petition with the county on a date prior to 5/25/00 the
county has eight working days from the filing of the petition to determine the
total number of signatures affixed to the petition and to transmit the total to the
Secretary of State) (EC §9030(b)).

- d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures,
and notifies the counties (EC §9030(c))..... Friday, 6/16/00*

- e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(EC §9030(d)(e)) Monday, 7/31/00

* Date varies based on receipt of county certification.

INITIATIVE #870
Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 6/16/00 the last day is no later than the thirtieth day after the county's receipt of notification). (EC §9030(d)(e)).

- f. If the signature count is more than 461,003 or less than 398,139 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 398,139 and 461,003 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (EC §9030(f)(g); 9031(a)) Thursday, 8/10/00**
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State (EC §9031(b)(c)). Friday, 9/22/00

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 8/10/00, the last day is no later than the thirtieth working day after the county's receipt of notification). EC §9031(b)(c).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033)..... Tuesday, 9/26/00**

** Date varies based upon receipt of county certification.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100,101,104,9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq. A brief summary is attached for your reference.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 17
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December 27, 1999

FILED
In the office of the Secretary of State
of the State of California

DEC 27 1999

BILL JONES, Secretary of State

By 
Deputy Secretary of State

Bill Jones
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, California 95814

RE: INITIATIVE TITLE AND SUMMARY
SUBJECT: ELECTIONS. USE OF INTERNET FOR VOTER
REGISTRATION AND VOTING. INITIATIVE STATUTE.
FILE NO: SA1999RF0054

Dear Mr. Jones:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed our title and summary to the proponents of the above-identified proposed initiative.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of service thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of service.

Sincerely,

Handwritten signature of Diane Calkins in cursive.

DIANE CALKINS
Initiative Coordinator

For BILL LOCKYER
Attorney General

DC:tk
Enclosures

Date: December 27, 1999
File No.: SA1999RF0054

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

ELECTIONS. USE OF INTERNET FOR VOTER REGISTRATION AND VOTING.

INITIATIVE STATUTE. Authorizes use of Internet for electronic voter registration and for casting ballots in direct primary elections, statewide general elections, special elections, and other public elections. Specifies standards for Internet voting systems. Requires Secretary of State to test and certify voting systems, to accredit means of identifying and authenticating voters, to protect voter confidentiality, and to adopt rules and regulations governing Internet voting procedures. Requires counties to offer Internet option to all voters. Criminalizes efforts to interfere with Internet election system; specifies penalties. Preserves traditional voting methods. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: One-time costs to local governments, probably several tens of millions of dollars statewide, for initial establishment of Internet registration and voting systems, with ongoing annual costs probably ranging from the millions of dollars to the low tens of millions of dollars statewide. One-time costs to State of developing standards for Internet voting and registration and of implementing other provisions, probably in the tens of millions of dollars, with ongoing implementation costs that could reach several million dollars annually. State costs could be partly offset to the extent that fees are charged to local governments or private vendors seeking accreditation of Internet election systems.

SA1999 RF0054

INITIATIVE: California Internet Voting Initiative

October 28, 1999

Office of the Attorney General
Attn: Initiative Coordinator, Diane Calkins
1300 I Street
Sacramento, CA 95814

RECEIVED
OCT 29 1999

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Ms. Calkins:

Please withdraw the proposed initiative measure SA1999RF0043 and substitute for it the enclosed version of the California Internet Voting Initiative. I request that the Attorney General prepare a Title and Summary for this proposed initiative measure as required by law

Also enclosed is a check for \$200.00, made out to "State of California".

This initiative is intended for placement on the November, 2000, ballot.

Sincerely,



Marc Strassman

Director of New Business Development, Political Jurisdictions
Votation.com

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.