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Internet Voting

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Among the many issues in the ongoing national discussion about the Internet is its use in the voting process. Public confidence about Internet security is increasing, but many feel that voting online requires a degree of security from fraud beyond the current standard for everyday Internet use. A number of studies undertaken in 2000 to examine issues concerning internet voting generally recommended further study and limited trial projects until security issues can be resolved. Aside from practical voting issues, observers often refer to a "digital divide" that exists between those who have access to computers and the Internet, and the skills to use it, and those who do not. While Internet access is increasing, estimates show that those with higher incomes and education levels are more likely to have Internet access, and that black and Hispanic access lags behind that of whites. Also part of the debate are issues concerning political tradition, public confidence in Internet voting, and equal access to the ballot. Proponents of internet voting suggest it could increase turnout, particularly among younger voters who are familiar with internet technology.

Internet Voting in the 2000 Elections

During the 2000 election cycle, a number of Internet voting trials were held in both primary and general elections. Arizona's Democratic party launched what it called "the first-ever, legally-binding public election over the Internet" from March 7-March 11. The election was conducted by Election.com, a New York-based company. Voters cast ballots from their homes or offices between March 7th and 10th, or at polling locations on March 11. The party mailed a personal identification number (PIN) to all 843,000 eligible voters, who could subsequently vote via the Internet by logging on to the party's website, entering their PIN, and providing two kinds of personal identification. Voters who used the polls could also cast their vote by paper ballot or computer at the polls. According to the Arizona Democratic Party, about 41% of the 86,907 ballots cast were sent via the Internet from remote locations.

Some Arizona voters were unable to cast their ballots because they lost their PIN or their software was incompatible with the election's security system. In response to a federal lawsuit, the party also increased the number of polling places in the month before the primary. The Voting Integrity Project, a nonprofit organization, filed this lawsuit in U.S. District Court in Arizona, charging that the process violated the Voting Rights Act by creating a disparity between voters with computers and those who lacked computer access, resulting in a dilution of minority votes. U.S. District Court Judge Paul G. Rosenblatt permitted the election to proceed and the Voting Integrity Project did not appeal the decision.

Also during the presidential primary season, voters in three election districts in Alaska cast ballots via the Internet in the Republican Party's

presidential straw poll, held on January 24, 2000. The project was conducted by VoteHere.net, an Internet voting company located in Bellevue, Washington. It provided 3,500 voters in remote areas the opportunity to cast ballots in the straw poll. In the past, it was often difficult for voters in these areas to participate in the straw poll due to inclement weather and poor transportation during the winter months.

In the November general election, some members of the military and citizens living abroad were eligible to vote via the Internet on November 7. Voters who were covered by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S. Code 1973ff) and whose legal residence was one of fourteen counties participating in the project in Florida, South Carolina, Texas and Utah were eligible to participate. The pilot project was limited to a total of 350 voters who could request and vote an absentee ballot via the Internet; 84 voters (representing 28 states and territories, and 12 countries) cast ballots under the program. The Federal Voting Assistance Program at the Department of Defense, which administered the program, issued a report, Voting Over the Internet (VOI) Pilot Project, evaluating the program in June 2001. The National Defense Authorization Act for FY2002 extended the pilot program, although there was not sufficient time to implement it for the 2002 elections.

An expanded version of the program was in place for the 2004 elections, but was cancelled when a report evaluating the program raised Internet security concerns. The January, 2004 report noted that the program, the Secure Electronic Registration and Voting Experiment (SERVE), was vulnerable to security problems.

Internet Voting Studies

On January 18, 2000, an Internet Task Force organized by California's Secretary of State issued its Final Report Online. The Task Force report said "At this time, it would not be legally, practically or fiscally feasible to develop a comprehensive remote Internet voting system that would completely replace the current paper process." The Task Force recommended phasing in Internet voting, with remote voting as the last phase.

In December 1999, the President directed the National Science Foundation (NSF) to conduct a one-year study of Internet voting. Under contract with the NSF, the Internet Policy Institute (IPI) conducted a workshop on October 10 and 11, 2000. Panelists included federal and state government officials, social scientists, and technical experts, whose discussions were part of the NSF study released in March 2001.

Internet Voting in Recent Law

The National Defense Authorization Act for FY2002 (P.L. 107-107), included a provision to continue the internet voting pilot program that was first conducted in the 2000 election. The Federal Voting Assistance Program did not have sufficient time to implement the program for 2002; an expanded version of the program for 2004 was cancelled.

The Help America Vote Act (P.L. 107-252) directs the Election Assistance

Commission (EAC) to conduct a thorough study of the feasibility of Internet voting on a national basis and report to Congress within 20 months of enactment (June 2004). The commissioners of the EAC have not yet been named.

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