

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, COUNTY DIVISION

BOARD OF ELECTION COMMISSIONERS OF THE)
CITY OF CHICAGO, LANGDON D. NEAL,)
RICHARD A. COWEN, and THERESA M.)
PETRONE,)

Plaintiffs,)

vs.)

HANS BERNHARD, LUZIUS A. BERNHARD,)
OSKAR OBEREDER, CHRISTOPH JOHANNES)
MUTTER, JAMES BAUMGARTNER and DOMAIN)
BANK, INC.,)

Defendants.)

00 CE 031

270 OCT 30 PM 5:25

PLAINTIFFS' EMERGENCY VERIFIED PETITION FOR RULE TO SHOW CAUSE

Plaintiffs BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO,
LANGDON D. NEAL, RICHARD A. COWEN and THERESA M. PETRONE, petition this
Court for an order and rule to show cause why Defendants HANS BERNHARD, LUZIUS A.
BERNHARD, OSKAR OBEREDER, CHRISTOPH JOHANNES MUTTER and JAMES
BAUMGARTNER should not be held in civil contempt of Court and in support of this petition
state as follows:

1. On October 18, 2000, this Court entered a Preliminary Injunction Order
(hereinafter referred to as the "Order") against Defendants HANS BERNHARD, LUZIUS A.
BERNHARD, OSKAR OBEREDER, CHRISTOPH JOHANNES MUTTER, JAMES
BAUMGARTNER and DOMAIN BANK, INC., and all those acting in concert with them,
enjoining them from:

A. Using or operating any Internet web site that encourages or allows residents of Illinois to sell their votes to be cast at the November 7, 2000 General Election.

B. Using, operating, facilitating or accessing domain name "voteauction.com" and to remove such web site from the Internet completely or, in the alternative, to modify the Internet web site known as "voteauction.com" so as to remove any illegal content.

C. Allowing or continuing registration of the Internet domain name "voteauction.com" or any other domain name offering substantially the same service as voteauction.com.

D. Using or operating in the State of Illinois any Internet web site by any name in any manner that would violate prohibitions in the laws of the State of Illinois and of the United States against the buying and selling of votes in elections.

E. Accepting from residents of the State of Illinois any registration or offer to sell votes or to buy votes at auction through voteauction.com and to modify their web site to indicate that all registrations or offers to sell votes and/or buy votes from Illinois residents will be denied.

2. The Order also compelled Defendants and all those acting in concert with them to immediately disclose to the proper election authorities the names and addresses of every individual in Illinois who has sold his or her vote or has offered to sell his or her vote through voteauction.com and the names and addresses of every individual and/or entity that has paid or has offered to pay for votes of Illinois residents through voteauction.com.

3. The Order further compelled Defendants to report to the Court within 10 days of the order on the measures they have taken to implement this order.

4. The Order stated that the Court was to retain jurisdiction over this matter.

5. The Order is still in full force, not having been modified or vacated.

6. A copy of the Order was served on the Defendants as more fully explained in the proof of service attached to this Petition as Exhibit A and as made a part hereof as though fully set forth herein.

7. In response to the Order, Defendant DOMAIN BANK, INC., took immediate steps to place a hold on the domain name "voteauction.com" as more fully explained in DOMAIN BANK, INC.'S, report to the Court attached to this Petition as Exhibit B and made a part hereof as though fully set forth herein. The effect of this effort was to make the domain name "voteauction.com" and the web site associated with that name inaccessible to most computers throughout the United States within two to three days after entry of the Order.

8. On October 18, 2000, the same day as the Order was entered by this Court, Defendant LUZIUS A. BERNHARD registered a new domain name – "vote-auction.com" – with and through an organization called CORE Internet Council of Registrars ("CORE") and one of its affiliate members, Joker.com, as evidenced by CORE's "Whois" file report, a copy of which is attached to this Petition as Exhibit C and made a part hereof as though fully set forth herein.

9. On October 20, 2000, a web-site known as "vote-auction.com" became accessible on the Internet. The web site consisted of two pages, a copy of which is attached to this Petition as Exhibit D and made a part hereof as though fully set forth herein. This web site's first page had a banner stating: "URGENT NOTICE TO ALL VOTE-AUCTIONEERS: Vote-auction.com services had been temporarily offline due to". An image of the first page of the Plaintiffs'

Emergency Motion for a Temporary Restraining Order or Preliminary Injunction, redacted to remove the names of certain of the Defendants, appeared below the banner. Below the first page of the Plaintiffs' motion was a notice stating, "you can now reach us at WWW.VOTE-AUCTION.CO for further statements or anything else, please contact pr@vote-auction.com."

10. It was determined that the domain name "vote-auction.com" was registered through CORE and a copy of the Order was emailed to the Secretariat of CORE and to each of the members of CORE's Executive Committee on October 20, 2000, as more fully set forth in the Affidavit of Daniel Doyle, attached to this Petition as Exhibit E, which is made a part hereof as though fully set forth herein.

11. On or about October 22 or 23, 2000, "vote-auction.com" was "on-line" and appearing on computers accessing the URL "vote-auction.com." A true and correct copy of the web site pages for "vote-auction.com" as they appeared on October 27, 2000, along with the affidavit of Daniel Doyle, is attached to this Petition as Exhibit F and made a part hereof as though fully set forth herein.

12. Include as a part of the "vote-auction.com" web site is a copy of a "press release" dated October 22, 2000 announcing that "vote-auction.com" regained access to the web via its new domain name and relating its version of the legal proceedings against the Defendants. See Exhibit F, 6-8.

13. The "vote-auction.com" site includes a page entitled "legal documents regarding 'chicago board of elections'" and that provides a hypertext link to the documents filed by the Plaintiffs in connection with this action – the complaint, memorandum of law, the emergency motion for a temporary restraining order and the preliminary injunction order – that are posted on the Chicago Board of Election Commissioners' web site. See Exhibit F, 17.

individuals in the State of Illinois to register on-line to sell their votes to the highest bidder, except now the vote selling is characterized as, "Sell: Register to ask for donations." Exhibit F, 23-25. The site also solicits and allows individuals or organizations to register to "bid" on and buy the votes that are placed for sale, except that the vote buying is now characterized as, "Bid: register to donate funds." Exhibit F, 26-29.

15. The "vote-auction.com" site still states that the "winning bidder for each state will be able to choose who the group will vote for en masse." Exhibit F, 14. As in the earlier version of "voteauction.com," the starting bid for each state's block of votes is \$100, with a minimum bid increase of \$50. Id. "Vote-auction.com" again states that it will not receive money from the auction. Id. The site states, "The winning bidder will have to contact the [V]ote-auction.com voters in order to provide payment and for the voters to provide verification." Id.

16. By and through the domain name "vote-auction.com" Defendants HANS BERNHARD, LUZIUS A. BERNHARD, OSKAR OBEREDER and CHRISTOFF JOHANNES MUTTER are still in violation of the election laws of the State of Illinois and of the United States in that the operators of this site still solicit and allow voters to sell their votes and solicit and allow others to bid and buy such votes.

17. By and through the domain name "vote-auction.com" Defendants HANS BERNHARD, LUZIUS A. BERNHARD, OSKAR OBEREDER and CHRISTOFF JOHANNES MUTTER are knowingly and willfully violating the terms of this Court's Order and they have done nothing to comply with the terms of the Order. These Defendants have failed to report to the Court within 10 days on measures they have taken to implement the Order. The only communication is an October 30, 2000 fax from Defendant LUZIUS A. BERNHARD, aka, HANS BERNHARD, to the undersigned requesting a "suspension" of the case for a 30-day

period, a copy of which is attached to this Petition as Exhibit G and made a part hereof as though set forth fully herein.

18. Meanwhile, Defendant DOMAIN BANK, INC., which served only as the domain name registrar for "voteauction.com," took immediate steps to comply with the terms of the Order.

19. Defendant JAMES BAUMGARTNER executed an affidavit under oath on October 24, 2000, stating that the "voteauction.com" web site was designed and intended to be only a "political parody and satire" and that at no time did he intend to buy or sell votes or facilitate any third party buying or selling a vote. He also states in part that he no longer has any involvement with the web site. A copy of Defendant BAUMGARTNER'S affidavit is attached hereto as Exhibit H and made a part hereof as though fully set forth herein. However, it is still uncertain whether Defendant BAUMGARTNER has possession of, access to or control over any records pertaining to the names and addresses of Illinois residents who registered to sell their vote or who offered to bid upon and buy such votes so as to be within the terms of the Order compelling the immediate disclosure to the proper election authorities of such information. See, e.g., a copy of the undersigned's October 25, 2000 letter to Defendant BAUMGARTNER'S New York attorney seeking additional information and clarification of the affidavit, attached to this Petition as Exhibit I and made a part hereof as though fully set forth herein. Therefore, it is possible that Defendant BAUMGARTNER may be in continuing violation of that part of the Order compelling disclosure of information as to sellers and buyers.

WHEREFORE, Plaintiffs pray that an order and Rule to Show Cause be entered against Defendants HANS BERNHARD, LUZIUS A. BERNHARD, OSKAR OBEREDER, CHRISTOFF JOHANNES MUTTER and JAMES BAUMGARTNER to show cause, if any, why

they should not obey the Order of this Court of October 18, 2000. Plaintiffs also pray that further proceedings may be conducted as may be consistent with the provisions of the Rule to Show Cause.

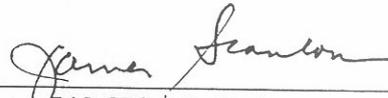
BOARD OF ELECTION COMMISSIONERS OF
THE CITY OF CHICAGO, LANGDON D. NEAL,
RICHARD A. COWEN and THERESA M.
PETRONE, Plaintiffs

By: James Scanlon
Their Attorney

Atty. No. 70383
James M. Scanlon
James M. Scanlon & Associates
70 West Madison Street, Suite 3600
Chicago, Illinois 60602
312-977-4881

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



JAMES M. SCANLON

PROOF OF SERVICE

I, KRISTEN DAVIS, being duly sworn and upon oath, state as follows:

1. I am employed as a Paralegal to James M. Scanlon, Attorney, of James M. Scanlon & Associates, and my office is located at 70 West Madison Street, Suite 3600, Chicago, Illinois.

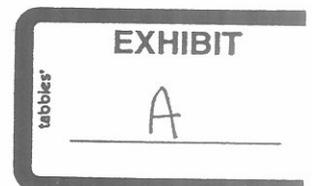
2. I have personal knowledge of the facts stated herein.

3. On October 18, 2000, between the time of 5:30 p.m. and 6:30 p.m. Central Daylight Saving Time, I did the following:

A. I prepared a Federal Express USA Airbill slip, FedEx tracking No. 814015314911, addressed to Mr. James Baumgartner, c/o Rensselaer Polytechnic Institute, 110 8th Street, DCC 135, Troy, NY 12180. I placed a copy of the Preliminary Injunction Order entered by the Circuit Court of Cook County on October 18, 2000, into a Federal Express Overnight Pack and affixed the prepared label for James Baumgartner onto the package.

B. I prepared a Federal Express USA Airbill slip, FedEx tracking No. 814015314900, addressed to Mr. James Baumgartner, 212 3rd Street, Troy, NY, 12180. I placed a copy of the Preliminary Injunction Order entered by the Circuit Court of Cook County on October 18, 2000, into a Federal Express Overnight Pack and affixed the prepared label for James Baumgartner onto the package.

C. I prepared a Federal Express USA Airbill slip, FedEx tracking slip No. 814015314896, addressed to Domain Bank, Inc., c/o Henry Lubsen, 23 West Fourth Street, Bethlehem, PA, 18018. I placed a copy of the Preliminary Injunction Order



entered by the Circuit Court of Cook County on October 18, 2000, into a Federal Express Overnight Pack and affixed the prepared label for Domain Bank, Inc., onto the package.

D. I prepared a Federal Express International Air Waybill slip, FedEx tracking slip No. 8167 2339 7127, addressed to Hans Bernhard, Kurrentgasse 10/22, Vienna, Austria, A-1010. I placed a copy the Preliminary Injunction Order entered by the Circuit Court of Cook County on October 18, 2000, into a Federal Express Overnight Pack and affixed the prepared label for Hans Bernhard onto the package.

E. I prepared a Federal Express International Air Waybill slip, FedEx tracking slip No. 8167 2339 7116, addressed to Luzius Bernhard, Kurrentgasse 10/22, Vienna, Austria, A-1010. I placed a copy of the Preliminary Injunction Order entered by the Circuit Court of Cook County on October 18, 2000, into a Federal Express Overnight Pack and affixed the prepared label for Luzius Bernhard onto the package.

F. I prepared a Federal Express International Air Waybill slip, FedEx tracking slip No. 8167 2339 5190, addressed to Oskar Obereder, Lorenz Mandelgasse 31-33, Vienna, Austria 1160. I placed a copy of the Preliminary Injunction Order entered by the Circuit Court of Cook County on October 18, 2000, into a Federal Express Overnight Pack and affixed the prepared label for Oskar Obereder onto the package.

G. I prepared a Federal Express International Air Waybill slip, FedEx tracking slip No. 8167 2339 5180, addressed to Christoph Johannes Mutter, Lorenz Mandelgasse 31/1, Vienna, Austria 1160. I placed a copy of the Preliminary Injunction Order entered by the Circuit Court of Cook County on October 18, 2000, into a Federal Express Overnight Pack and affixed the prepared label for Christoph Johannes Mutter onto the package.

4. On October 18, 2000, at approximately 6:40 p.m. Central Daylight Saving Time I placed all six Federal Express packages in the Federal Express receiving station for pick-up on the 36th floor at 70 West Madison Street, Chicago, Illinois.

5. On October 18, 2000 between the time of 2:00 p.m. and 6:45 p.m. Central Daylight Saving Time, I attempted service of the Preliminary Injunction Order entered by the Circuit Court of Cook County on October 18, 2000, by facsimile transmission to Defendants Oskar Obereder and Christoph Johannes Mutter at fax number 011.43.1.149.332.5611. I attempted service of the five pages of the preliminary injunction order and a one-page cover memo by facsimile to that telephone number on six separate occasions. Each attempt resulted in a busy signal and I was unable to transmit the motion by facsimile transmission.

6. On October 18, 2000, I sent copies of the Preliminary Injunction Order entered by the Circuit Court of Cook County on October 18, 2000 to all Defendants at the addresses listed on the Service List that was attached to the Notice of Motion by U.S. Postal Service, postage pre-paid.

7. On October 20, 2000, I sent a copy of the Preliminary Injunction Order entered by the Circuit Court of Cook County on October 18, 2000, by U.S. Registered or Certified Mail, return receipt requested, postage pre-paid, to the following

A. Hans Bernhard, Kurrentgasse 10/22, Vienna, Austria, A-1010, by U.S. Registered Mail, No. R260788816;

B. Luzius Bernhard, Kurrentgasse 10/22, Vienna, Austria, A-1010, by U.S. Registered Mail, No. R260788815;

C. Oskar Obereder, Lorenz Mandelgasse 31-33, Vienna, Austria 1160, by U.S. Registered Mail, No. R260788817;

D. Christoph Johannes Mutter, Lorenz Mandelgasse 31/1, Vienna, Austria 1160, by U.S. Registered Mail, No. R260788818;

E. Domain Bank, Inck, c/o Henry Lubsen, 23 W. Fourth Street, Bethlehem, PA, 18018, by U.S. Certified Mail, No. 7000 0520 0012 3619 1522;

F. James Baumgarnter, 212 3rd Street, Troy, NY 12180, by U.S. Certified Mail, No. 7000 0520 0012 3619 1515, return receipt requested, postage pre-paid.

8. If sworn as a witness, I can testify competently and would testify as to the matters set forth herein.

KRISTEN DAVIS

Signed and sworn to (or affirmed) before me by Kristen Davis
this _____ day of October, 2000.

Notary Public

October 30, 2000

Hon. Michael J. Murphy
Circuit Court of Cook County
c/o James M. Scanlon, Esq.
James M. Scanlon & Associates, P.C.
70 West Madison Street
Suite 3600
Chicago, Illinois 60602

Re: **Board of Election Commissioners of the City of Chicago, et. al. vs. Hans
Bernard, et. al. – 00 CE 031**

Dear Judge Murphy:

In accord with the Preliminary Injunction Order you issued on October 18, 2000 with respect to the above referenced action, Domain Bank, Inc. has taken the following actions:

1. We have placed the domain name "voteauction.com" on hold, thereby deleting the name from the zone files maintained by the registry for the .com top level domain. Such action effectively renders the domain name inactive in that Internet browsers are no longer able to resolve the domain name to the IP address of any web site.
2. We have locked the domain name so that (i) no changes can be made to the record associated therewith, and (ii) the registrant will be precluded from transferring the name to any other person, or transferring the registration sponsorship to any other registrar.

As Mr. Scanlon has indicated to the Court, Domain Bank has played no role in the development or operation of the voteauction.com web site. We are simply the registrar of record for the domain name. We believe that the actions that we have taken, as set forth above, constitutes our full compliance with your Order.

Please feel free to contact me if you have any questions in this matter.

Very truly yours,



M. Scott Hemphill
Vice President & General Counsel

[About CORE](#)[Find a registrar](#)[Documents](#)[Join CORE](#)[Press release](#)[Glossary](#)[Contact](#)[Home](#)

CORE WHOIS

Example of input for domain-names: **domain.com**

Luzius A. Bernhard (template COCO-781664)
hans@ubermorgen.com
Kurrentgasse 10-22
Vienna, Austria 1010 AT

Domain Name: vote-auction.com
Status: production

Admin Contact, Technical Contact, Zone Contact:
Luzius A. Bernhard (COCO-781664) hans@ubermorgen.com
+43-676-9300061

CORE Registrar: [CORE-11]

Record last modified: 2000-10-20 03:15:03 MET by [CORE-11]
Record created: 2000-10-18 15:37:55 MET by [CORE-11]

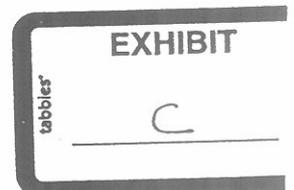
Domain servers in listed order:

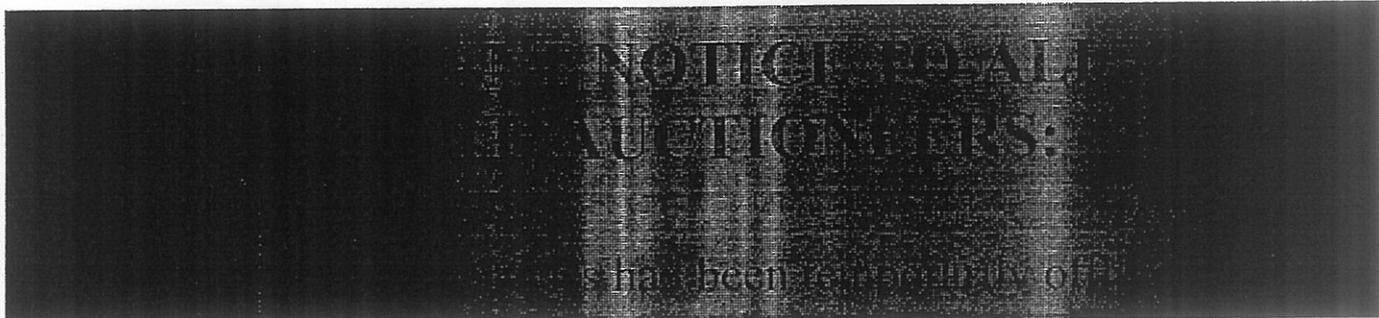
ns1.sil.at 194.152.178.1
ns2.sil.at 194.152.178.10

Database last updated on 2000-10-24 16:51:32 MET

INTERNET COUNCIL OF REGISTRARS - WORLD TRADE CENTER II -- 29, ROUTE DE PRE-BOIS - CH-1215
GENEVA - SWITZERLAND - PHONE: +41.22.929 57 44 - FAX: +41.22.929 57 45

E-MAIL: secretariat@corenic.org





IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, COUNTY DIVISION

BOARD OF ELECTION COMMISSIONERS OF THE)
CITY OF CHICAGO, LANGDON D. NEAL,)
RICHARD A. COWEN and THERESA M. PETRONE,)

Plaintiffs,)

vs.)

00) CE 031)

HANS BERNHARD, [REDACTED],)
[REDACTED], [REDACTED])
[REDACTED], [REDACTED] and DOMAIN)
BANK, INC.,)

Defendants,)

PLAINTIFFS' EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER)
OR PRELIMINARY INJUNCTION)

00 OCT 16 PM 1:05
COURT REPORTER
FBI

NOW COMES the BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO, LANGDON D. NEAL, RICHARD A. COWEN and THERESA M. PETRONE, Plaintiffs in the above-entitled cause, by their attorney, James M. Scanlon & Associates, and moves this Court to enter a temporary restraining order, without bond, pursuant to Section 11-101 of the Code of Civil Procedure (735 ILCS 5/11-101) or a preliminary injunction pursuant to Section 11-102 of the Code of Civil Procedure, notice having been given to the defendants, restraining and enjoining Defendants HANS BERNHARD, [REDACTED], [REDACTED], [REDACTED] and DOMAIN BANK, INC., and each them and their agents, employees, and all others acting in concert with them from using or operating an Internet web site known as "Voteauction.com" or any web site by any other name in any manner as a forum for conducting an "auction" for the purpose of encouraging, soliciting and allowing residents of the State of Illinois to sell their votes to be cast

EXHIBIT

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D

WWW.VOTE-AUCTION.CO

for more information, or anything else, please email
pr@vote-auction.com

AFFIDAVIT OF DANIEL DOYLE

I, DANIEL DOYLE, being duly sworn and upon oath, state as follows:

1. I am employed as Director of Registration Records for the Chicago Board of Election Commissioners, which is located at 69 West Washington Street, Chicago, Illinois.

2. I have personal knowledge of the facts stated herein.

3. On October 20, 2000, at approximately the hour of 4:10 P.M. Central Daylight Savings Time, I searched on my computer and found an Internet web site known as "vote-action.com" at <http://www.vote-auction.com/>.

4. While I was on the Internet, I switched to an Internet registration site named www.Internic.net. This site has a feature call "Whois" whereby you can enter a domain name and receive select information. A portion of the information I received was:

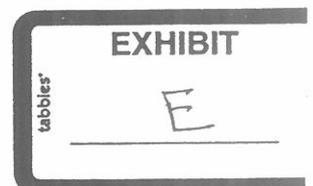
Domain Name: VOTE-AUCTION.COM
Registrar: CORE INTERNET COUNCIL OF REGISTRARS
Whois Server: whois.corenic.net
Referral URL: www.corenic.net
Name Server: No nameserver
Updated Date: 18-oct-2000

5. I then highlighted and copied into memory the text: CORE INTERNET COUNCIL OF REGISTRARS and went into the infoseek.com search engine Internet site.

6. I "pasted" the text that was in memory into the search box of Infoseek and clicked on the "Go" button. The search returned many choices, the first of which was:

1. CONTACT

&NB SP; .CONTACT CORE INTERNET COUNCIL OF REGISTRARS World Trade Center II 29, route de Pre-Bois CH



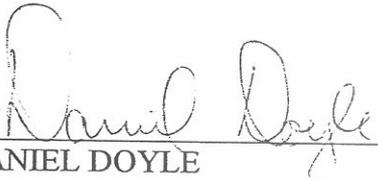
1215 Geneva-Switzerland Phone: +41.22.929.57 ...
<http://www.corenic.org/contact.htm>

7. I clicked on the word CONTACT and was taken to

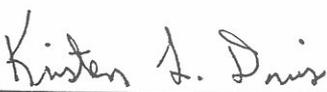
<http://www.corenic.org/contact.htm>.

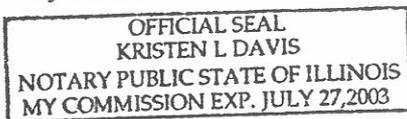
8. The page located at <http://www.corenic.org/contact.htm> contains email addresses for various individuals associated with this company. At the direction of James Scanlon, general counsel for the Board of Election Commissioners, I then sent emails containing preliminary injunction order entered by the Circuit Court of Cook County on October 18, 2000 to each of the Executive Committee whose email addresses are on the copy of the CORE web site page and to secretariat@corenic.org. A true and correct copy of the email that I sent to these individuals is attached hereto.

9. If sworn as a witness, I can testify competently and would testify as to the matters set forth herein.


DANIEL DOYLE

Signed and sworn to (or affirmed) before me by Daniel Doyle
this 27th day of October, 2000.


Notary Public



Chicago Board of Elections

From: Chicago Board of Elections <cboe@chicagoelections.net>
To: <secretariat@corenic.org>
Sent: Friday, October 20, 2000 4:16 PM
Attach: injunction5.JPG; injunction2.JPG; injunction3.JPG; injunction4.JPG; injunction1.JPG
Subject: Injunction against Voteauction.com

individual in Illinois who has sold his or her vote or has offered to sell his or her vote through voteauction.com and the names and addresses of every individual and/or entity that has paid or has offered to pay for votes of Illinois residents through voteauction.com.

3. Defendants shall within 10 days report to the Court on the measures they have taken to implement this order.
4. The Court shall retain jurisdiction over this matter.

JUDGE MICHAEL J. MURPHY

OCT 18 2000

Circuit Court-209

Entered: _____

Atty. No. 70383
James M. Scanlon
James M. Scanlon & Associates
70 West Madison Street, Suite 3600
Chicago, Illinois 60602
312-977-4881

I HEREBY CERTIFY THE ABOVE TO BE CORRECT
DATE OCT 18 2000

Aurelia Pucinski

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, IL
THIS ORDER IS THE COMMAND OF THE CIRCUIT
COURT AND VIOLATION THEREOF IS SUBJECT TO THE
PENALTY OF THE LAW.

-
2. This Court has personal jurisdiction over all of the parties in this action.
 3. Venue is proper in Cook County.
 4. Plaintiffs BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO, LANGDON D. NEAL, RICHARD A. COWEN and THERESA M. PETRONE, having standing to bring this action.
 5. Plaintiffs have demonstrated a likelihood of success on the merits and the proofs, once submitted would likely show that:
 - A. Defendants James Baumgartner, Hans Bernhard, Luzius Barnhard, Oskar Obereder, and Christoff Johannes Mutter, and those acting in concert with them, have violated the election laws of the State of Illinois and of the United States by using and operating an Internet web site known as "voteauction.com" as an auction forum for the purpose of encouraging, soliciting and allowing residents of Illinois to sell their votes to be cast at the November 7, 2000 General Election and encouraging, soliciting and allowing individuals and corporations to "bid" on and buy such votes.
 - B. These Defendants' continued use and operation of the Internet web site known as Voteauction.com as an auction forum for purpose of encouraging, soliciting and allowing residents of Illinois to sell their votes to be cast at the Election and encouraging, soliciting and allowing individuals and corporations to "bid" on or buy such votes constitutes knowing and willful violations of the election laws of the State of Illinois and of the United States that will result in illegal and fraudulent voting at the Election if not prevented.
 - C. These Defendants and all those acting in concert with them, including those Illinois residents who have or will sell their votes or who have or will buy such

votes, owe a duty to Plaintiffs and to all citizens of the State of Illinois not to violate the election laws of the State of Illinois and of the United States.

D. These Defendants and all those acting in concert with them, including those Illinois residents who have or will sell their votes or who have or will buy such votes, owe a duty to Plaintiffs and to all citizens of the State of Illinois not to deprive them or defraud them of their rights and privileges under the Constitutions and laws of the State of Illinois and of the United States to a free and equal election and to a fair and impartially conducted election process.

E. These Defendants and all those acting in concert with them, including those Illinois residents who have or will sell their votes or who have or will buy such votes, have deprived and defrauded, and will continue to deprive and defraud if not enjoined, the Plaintiffs and all citizens of the State of Illinois of their rights and privileges under the Constitutions and laws of the State of Illinois and of the United States to a free and equal election and to a fair and impartially conducted election process.

F. That anyone selling or attempting to sell his or her vote, and anyone buying or attempting to buy the votes of another is in violation of the election laws of the State of Illinois and of the United States as enumerated herein.

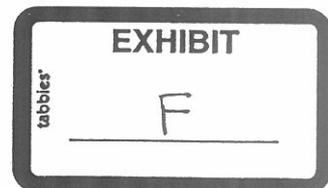
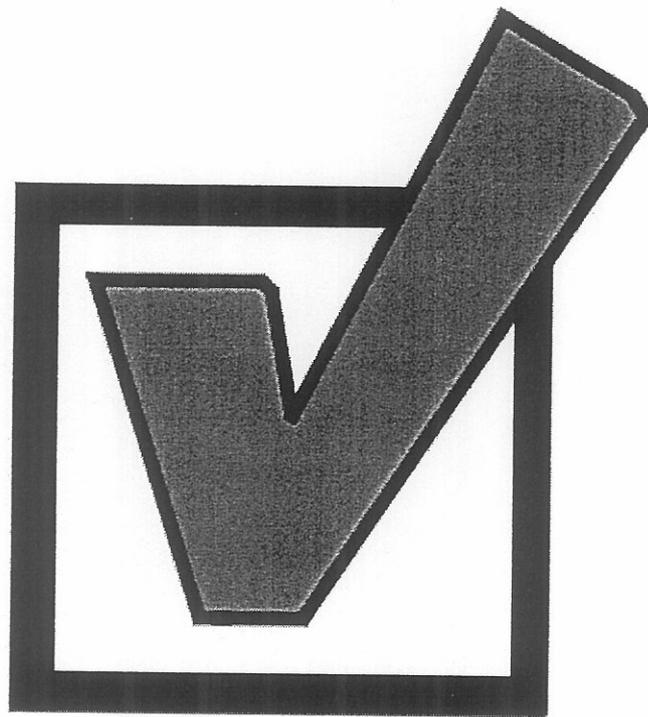
6. Plaintiffs possess certain and clearly demonstrated rights which need protection.
7. Plaintiffs will suffer irreparable harm without protection of an injunction.
8. There is no adequate remedy at law to compensate for Plaintiffs' injuries.
9. In the absence of injunctive relief, the Plaintiffs would suffer greater harm without an injunction than Defendants will suffer if it is issued.

10. Defendants have been notice of the Plaintiffs' Emergency Motion for a

Temporary Restraining Order.

IT IS THEREFORE ORDERED that:

1. Defendants and all those acting in concert with them are enjoined from:
 - A. Using or operating any Internet web site that encourages or allows residents of Illinois to sell their votes to be cast at the November 7, 2000 General Election.
 - B. Using, operating, facilitating or accessing domain name "voteauction.com" and to remove such web site from the Internet completely or, in the alternative, to modify the Internet web site known as "voteauction.com" so as to remove any illegal content.
 - C. Allowing or continuing registration of the Internet domain name "voteauction.com" or any other domain name offering substantially the same service as voteauction.com.
 - D. Using or operating in the State of Illinois any Internet web site by any name in any manner that would violate prohibitions in the laws of the State of Illinois and of the United States against the buying and selling of votes in elections.
 - E. Accepting from residents of the State of Illinois any registration or offer to sell votes or to buy votes at auction through voteauction.com and to modify their web site to indicate that all registrations or offers to sell votes and/or buy votes from Illinois residents will be denied.
2. Defendants and all those acting in concert with them and order them shall immediately disclose to the proper election authorities the names and addresses of every



"Bringing Capitalism and Democracy Closer Together"

History

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Take a closer look [here](#).

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from [aboutpolitics.com](#)

2

[How it works](#)

[Election History](#)

[V.E.K.](#)

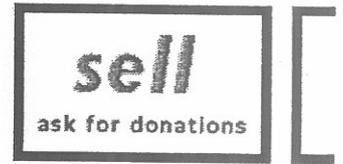
[Legal Issues](#)

[Message Board](#)

[News & Press](#)

[Contact](#)

[Links](#)



4

history

A short history of the U.S.A. Election Market

From the "Father of our Country," George Washington, to the mafia-connected political bosses of the prohibition era, to today's politicians funded by "soft money", big money has often had an important influence on United States elections.

Here are a few examples of vote-buying in America:

In 1757, George Washington ran for a seat in the Virginia House of Burgesses. For this election he purchased more than a quart and a half of alcoholic beverages for each of the 391 voters in his district.

A candidate in the 1838 New York mayoral election paid \$22 per uncommitted vote.

In 1907, Congress passed legislation to prohibit corporations from making direct campaign contributions for federal candidates. Unions were banned from making the same types of contributions in 1947. By the late 1960's and early 1970's candidates began ignoring these laws by accepting large donations. Insurance executive Clement Stone gave \$2.8 million to Richard Nixon's 1968 election campaign. The Milk Producers Association gave \$2 million for Nixon's re-election campaign in 1972. (Nixon subsequently supported an increase in milk price subsidies.) Although these instances are examples of big corporations purchasing influence with candidates as opposed to purchasing influence with voters, it is significant that the donations were made to Nixon's campaign. This money was then used to pay for advertising, and other expenses. It is media advertising that now influences the voter.

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LATEST PRESS RELEASE

FOR IMMEDIATE RELEASE - Berlin, October 22, 2000

Vote-auction.com back online

Below you find the latest press release by Vote-auction.com [formerly voteauction.com].

We have included any information on the latest developments of the site and the people and users behind it.

You can also find this press release at
<http://www.vote-auction.com/pr.htm>

For any further information feel free to contact
pr@vote-auction.com or in urgent cases call +49-175-2066954.

[V] Voteauction.com is dead, long live Vote-auction.com

The "Leader of the Election Industry", vote-auction.com has regained access to the web via its new domain <http://www.vote-auction.com>. During the past week, diverse rumours and hear-say has been passed concerning the website which explores the high-risk consumer markets of the American election industry. The site's original domain had been ordered shut down by a local American court in the U.S. state of Illinois earlier this week. But whilst the American authorities took their time and tax payers' money to legally pursue almost everybody related to the existence of the website, the owners of the site worked on a re-design and strategy paper for version 2.0 of the project.

[V] Sue 'em 'til they drop...

The legal authorities of Chicago, Illinois, made every effort to get the site out of service during the last 2 weeks. Amongst the original creator of the project, James Baumgartner, and the owner of the domain, Hans Bernhard, they also found it in the public's interest to sue:

. domainbank.com: Domainbank inc., is the registry where the original domain "votauction.com" is registered. It is defendant in named Chicago legal case.

. silverserver.at: Both SILVER SERVER's president as well as of

one of the top technical staff are also named defendants in the Chicago legal case. SILVER SERVER is vote-auction.com's internet access provider.

[V] (II)legal Battle?

It remains open for discussion how it should be possible that a dns (domain name service) or an access provider could ever be responsible for contents accessible via domains they are providing routing services for.

Vote-auction.com sees this as illegal practice in total violation of standards set by ICANN.

We can only interpret domainbank's and SILVER SERVER's name on the list of defendants as a indirect means of repression to force vote-auction.com to go offline.

Concerning domainbank inc., this strategy seemed to work out for Chicago prosecutors:

Because of domain- bank being involved in the legal case, the provider "politely asked" vote-auction.com to provide them with a USD 100,000.00 bond for potential legal costs.

Vote-auction.com decided not to comply.

Instead, we asked them to transfer our "voteauction.com" domain to another provider. This order was not fulfilled by domainbank, as they had at that time already made a "deal" with Chicago authorities "not to move the domain anywhere", as we were told by one of domain- banks executives.

Concerning "defendant" SILVER SERVER, we can provide you with a clear statement from their president:

"SILVER SERVER clearly and fully supports vote-auction.com. SILVER SERVER president, o.o., is proud to be the billing contact

for vote-auction.com. actually we received very interesting offers

by investors to launch vote-auction.com in russia and japan."

[V] Users give full support - despite potential respression

Lots of users of Vote-auction.com have described their support in various emails. This is another reason why we decided not to wait to get back online until local U.S. legal authorities understand that Vote-auction.com works for and NOT against democracy.

We will keep on protecting any data which has been submitted to us by trusting users.

Chicago courts have a somewhat different approach to user rights. The court has ordered all data of users registered with the site to be disclosed to the authorities. This would then enable prosecutors in Chicago to sue users of vote-auction.com individually for "voter fraud".

[V] Where to go from here

Vote-auction.com is ready to deliver even more services to the vital elections markets. We will keep on focusing on the American elections until mid-November this year. In the meantime we will also finish our redesign and software upgrade in order to get ready for upcoming elections worldwide.

For the Vote-auction.com team:

lizvix (pr@vote-auction.com)

PLEASE NOTE: if you want to access Vote-auction.com via web or mail, please be sure to use the correct domain:

pr@vote-auction.com
<http://www.vote-auction.com>

We will not be able to receive messages sent to the old address. Thank you.

**press and media
contact:** pr@vote-auction.com

User Statistics

Income Bracket		Occupation		Political_Affiliation	
Less than \$15,000	22%	Administrative/Clerical	14%	Communist	9%
\$15,000 - \$24,999	11%	Attorney	1%	Democrat	18%
\$25,000 - \$34,999	13%	Doctor	1%	Green	4%
\$35,000 - \$49,999	13%	Educator	3%	Independent	15%
\$50,000 - \$74,999	21%	Managerial/Executive	8%	Libertarian	4%
\$75,000 - \$99,999	9%	Professional/Technical	34%	Reform	1%
Over \$100,000	11%	Sales	7%	Republican	18%
		Service Labor	2%	Socialist	2%
		Skilled Labor/Construction	3%	None	29%
		Police/Armed Forces	1%		
		Other	26%		
Education		Gender		Race	
Some High School	13%	Female	10%	Asian/Pacific Islander	10%
High School Graduate	11%	Male	85%	Black/African American	6%
Some College	39%	Unspecified	5%	Native American	3%
College Graduate	26%			Spanish/Hispanic/Latino	3%
Graduate School	11%			White/Caucasian	78%

remark: all numbers are based on users registered so far.

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- Why should you get active? Until recently, [V]ote-auction.com only has had the resources to concentrate on the United States Presidential election. We will keep on concentrating on this election until its final date at Nov. 7th, 2000.
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MESSAGE BOARD

[V]ote-auction.com provides this message board as a forum for the free exchange of ideas about [V]ote-auction.com, vote-selling, campaign investing, and campaign finance.

You will have to regulate yourself, otherwise we will not have the time nor morals to interfere.

Advertising is not allowed. Except if it is good edvertizing, or extremely bad advertizing. If it is not suitable for our target audience, you will make a fool out of yourself.

If you spam, don not get caught.

Enter the Message Board

message board hosted by:

www.wØØf.com

[how it works]

General

[V]ote-auction.com is devoted to combining the American principles of democracy and capitalism by bringing the big money of campaigns directly to the voting public. We provide a forum for campaign contributors and voters to come together for free-market exchange.

Classic Approach

Until recently, the Election Industry was controlled by an exclusive group of political consultants. These consultants spend the campaign contributors' money on advertising while taking a 10-15% cut for themselves. The political consultants are paid based on their ability to "deliver" voters to the candidates. This effectively treats the voters as a product to be sold to the candidates (and/or their campaign contributors.) This is similar to the way television (and other media outlets) operate. In television, the end product is the viewer whose attention is sold to television's customer, the advertiser.

The [V]ote-auction.com Approach

[V]ote-auction.com has created a new paradigm in the election industry. Now the voters can take control of their voting capital and campaign investors will see a greater return on their investment. Control your vote - control your democracy!

The worldwide Approach

[V]ote-auction.com is planning on going worldwide soon. We are already talking to diverse democratic countries in South America, Africa and Asia. Nevertheless, the E.U. [European Union] will be our next market of service. With our worldwide services voters will be able to control their vote worldwide, and thusly able to control democracies worldwide directly!

Target Markets

The Voters:

50% of the voting age population routinely stays home on election day. Are they fed up with the system? Are they disappointed by the two major parties? Are they desensitized by the thousands of political ads they see on Television? [V]ote-auction.com will allow these voters to profit from their democratic capital. By offering their voting capital at auction, these traditionally non-voting citizens will be participating in the democratic process and the expanding economy.

The campaigners:

Voteauction.com also provides a more efficient method for campaign investors to obtain their objectives. When a major communication company contributes over a million dollars to a political party, do they hope that this investment will result in increased profits? Of course they do! Although they may have a net worth of billions of dollars, most corporations do not spend 1 million dollars without some hope of a return on their investment. Unfortunately, 10-15% of this investment is taken off the top by the campaign consultants. [V]ote-auction.com allows campaign investors to get their dollar's worth by connecting them directly with the voters.

The way the Markets work

The winning bidder for each state will be able to choose who the group will vote for en masse. The free market will determine the value of the votes in each state. Votes in heavily populated states may be more valuable than votes in less populous states; however, if there is a large number of voteauction voters in a small state, the voteauction voters could help swing that state and thus the state's electoral votes. The value of a vote in a particular state could change on a daily basis. Votes have been purchased in the past (in fact the United States has a long history of vote buying going back to George Washington) but it has never taken this form.

The starting bid for each state is \$100, with a minimum bid increase of \$50. [V]ote-auction.com will not receive any money from the auction. The winning bidder will have to contact the [V]ote-auction.com voters in order to provide payment and for the voters to provide verification.

Individuals, corporations and organizations must first register in order to bid on one of the voting blocks. Spending money to influence voters is protected by the free speech clause of the First Amendment of the U.S. constitution. A recent U.S. Supreme Court decision (Buckley v. Valeo) has equated freedom of spending money with the freedom of speech. Freedom of spending and freedom of speech are central components of our capitalist democracy. It is however considered problematic by very local jurisdictions of a few small states of the U.S. if one pays money directly to voters [it is ok to pay campaigners directly]. We understand this twist of modern day society, and have therefore found new ways on how to solve this situation smoothly.

The new Way

We at [V]ote-auction.com offer you the following services:

- . you can register as a potential political candidate
- . you can register as a potential political lobbyist
- . we provide the forum for the two above-mentioned parties to meet.
- > You donate money to the campaigners of the future. Do here, do it now, do it directly. No Fuzz!

[history]

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legal documents regarding "chicago board of elections"

name of document

complaint against voteauction.com

[take this link](#)

memorandum of law

[take this link](#)

temporary restraining order

[take this link](#)

preliminary injunction order

[take this link](#)

[news & press]

let us know if we missed any story or discussion board about [V]ote-auction.com

Voteauction.com in the American Press:

CNN.com: Web site offers to sell U.S. presidential votes, Web site offering to sell votes shut down, Vote-selling website to be revived. possibly offshore

Wirednews.com: Close Vote? You Can Bid On It, Voteauction Bids the Dust, Austrian Takes Bids on U.S. Votes, Thousands Sign Up to Sell Votes

NY1 News: Website to Make It Possible to Sell Your Vote Online

USA Today: Votes Up For Auction Draw Official Inquiries

ABC News: Personal (Campaign) Finance

Slate.com: Buy This Vote!

Washington Post: Buy This Vote! (same article as slate.com)

Minnesota Public Radio's Future Tense: Sell Your Vote (real audio file)

The Industry Standard: Wanna Buy My Vote? Fuhgeddaboutit

Auction watch: Straight Talk from Voteauction.com

Voting Integrity Project: VIP Reports - Going, Going Gone!

Fox 4 News, Kansas City: Voteauction.com founder, James Baumgartner, phone interview. 8/23/00 (not available online)

KPIX, San Francisco: not available online

Associated Press: Web Sites Offer Votes For Sale

Metroland, Albany, NY: How Much Is That Voter In The Window? (9/1/00 - not available online.)

Salt Lake Tribune: Auction Gives New Meaning to "Check Here"

California Secretary of State: Jones Issues Warning Against On-line Vote Buying Schemes

Federal Computer Week: Is a vote-selling Web site parody or threat?

Fortune Small Business: [American Cynicism. 101](#)

Chicago Sun-Times: [Web vote sale all about buzz](#)

Cnet: [Chicago tries to close vote Web site](#)

The Register: [Votes for sale online in the US](#)

Cluebot: [Americans sell their votes for \\$10 each](#)

Everett Herald (WA): [Bid to sell votes on Web rankles officials](#)

Sioux City Journal: [Vote buying becomes more blatant](#)

Thirsty: [UPDATE: Voteauction.com up and running again](#)

Voteauction.com in the International Press:

Transfert: [Voter, c'est facile et ça peut rapporter gros ! ; Votes aux enchères : suite et... fin](#)

Heise online: [Chicago will Stimmenkauf per Internet stoppen](#)

Telepolis/ixmagazin: [Schock-Marketing aus dem Netz-Underground](#)

Lenta.RU: <http://lenta.ru/internet/2000/08/17/vote/>

Denni zpravy z Internetu: [Vsechno je prece na prodej, tak proc by ne volicске hlasy?](#)

Spiegel Online: [Behörden stoppen Stimmenverkauf im Web](#)

NET-BC: [US-Wahlkampf: Demokratie jetzt online käuflich?](#)

Voteauction.com on discussion boards:

Picnet: [Selling Your Vote for Cash](#)

FreeRepublic: [Discussion of "Vote-Selling Website to be revived, possibly offshore"](#)

slashdot: [from the retail-goods-at-wholesale-prices department](#)

Cnet Canada: [eBay thwarts sale of presidential election votes](#)

October 3, 2000: Voteauction Action Team visits the first U.S. Presidential debates. Over 200 voter empowerment kits are distributed to the crowd gathered outside the JFK Library.

August 28, 2000: Voteauction.com re-launches with added features to better serve the user.

August 22, 2000: Voteauction.com is sold to an Austrian Holding company for an undisclosed sum.

Let us know if we missed any story or discussion board about voteauction.com
pr@vote-auction.com

[contact]

press and media
contact:

pr@vote-auction.com

Your enquiries will either be answered by [V]ote-auction.com's
hans bernhard, ubermorgen.com's lizvix or by one of our staff.

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[links]

Site Name	url	comments
George W. Bush for president	www.georgewbush.com	official site for the campaign to elect Governor George W. Bush as president of the U.S.
Al Gore for president	www.algore2000.com	official site for the campaign to elect Vice President Al Gore as president of the U.S.
America 2000: The Democratic National Convention	www.dems2000.com	official site for the Democratic National Convention
2000 Republican National Convention	www.gopconvention.com	official site for the Republican National Convention
Common Cause	www.commoncause.org	site devoted to campaign finance reform
Open Secrets	www.opensecrets.org	facts and statistics about campaign financing and other issues
Billionaires For Bush (or Gore)	www.billionairesforbushorgore.com	lobbying organization committed to buying the candidates
The Voting Integrity Project	www.votingintegrity.org	"Defending Your Freedom by Protecting Your Vote"

Sell: Register to ask for donations

Whether you are a first-time voter, or you've been voting since World War II, you know that your presidential vote is very valuable in our democracy. Your vote is so valuable, that the candidates, their parties and the corporations that support them are spending millions of dollars this year in an attempt to influence your decision. Unfortunately this money is spent on advertising campaigns, pollsters and high-priced consultants. [V]ote-auction.com is cutting out the middleman and bringing the big money of presidential politics directly to you.

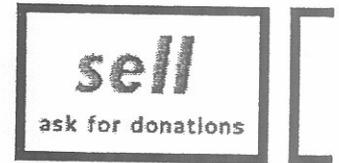
Fields marked with a * are required. This information will be used to create a demographic profile of the various voting blocks. Your personal information will be kept strictly confidential. It will not be sold, released, or retransmitted for any reason. When you register on this page, you will also be registered for the voters email list which will contain important updates for [V]ote-auction.com voters. You will not receive any advertising or unsolicited emails (spam) as a result of this list.

First (Given) Name	<input type="text"/>	*	Middle Initial	<input type="text"/>
Last (Family) Name	<input type="text"/>	*		
Address (Line 1)	<input type="text"/>	*		
Address (Line 2)	<input type="text"/>			
City	<input type="text"/>	*	State	<input type="text"/>
Zip Code	<input type="text"/>	*		
Email address	<input type="text"/>	*		
Age (on November 7, 2000)	<input type="text"/>	*	Sex	<input type="text"/>
I describe myself as:	<input type="text"/>	*	Employment Status	<input type="text"/>
Occupation	<input type="text"/>	*	Highest Education Level	<input type="text"/>
Household Income	<input type="text"/>	*	Political Affiliation	<input type="text"/>

d3

I am asking
for a
donation for
my political
engagements
because:

Save your values



25

Bid: register to donate funds

Is your corporation wasting its money on campaign contributions? The soft money that your corporation gives to national political committees will be spent on single-issue ads which are an ineffective method of persuading the voting populace. Voteauction.com offers a greater return on your campaign investment. When your corporation wins the auction on a particular voting block, you can be certain that the voteauction.com voters in that state will vote for your candidate. Thus, your corporation is guaranteed that its interests will be looked after.

Fields marked with a * are required. This information will be used to create a demographic profile of the bidding corporations. You and your corporation's identity will be kept strictly confidential. This information will not be sold, distributed, or released for any reason. You will be assigned a bidder number so you can follow the bids on the [check](#) page. Registering to bid on votes also registers you for the bidders email list which will contain updates on important voteauction.com information. You will not receive any advertising or unwanted emails (spam) from this list.

Register to donate funds.

Name of Organization/Corporation	<input type="text"/>	*		
Contact's Name	<input type="text"/>	*		
Address (Line 1)	<input type="text"/>	*		
Address (Line 2)	<input type="text"/>			
City	<input type="text"/>	*	State/Province	<input type="text"/>
Zip/Post Code	<input type="text"/>	*		
Country	<input type="text"/>	*		
Contact's email address	<input type="text"/>	*	Telephone	<input type="text"/>
Contact's Title	<input type="text"/>			
Type of business/organization	<input type="text" value="Administrative/Clerical"/>	*	Years incorporated	<input type="text" value="1 - 3"/>
Yearly sales	<input type="text" value="Less than 250,000"/>		Political Affiliation	<input type="text" value="Communist"/>

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How much did your business/organization spend in campaign contributions (hard and/or soft money) in the 1996 election cycle?

 *

Is your organization a tax-exempt, non-profit? yes

Please indicate why your business/organization is interested in donating funds:

Submit

Bid: Registrater to donate funds

Are you wasting your money on campaign contributions? The soft money that you give to national political committees will be spent on single-issue ads which are an ineffective method of persuading the voting populace. [V]ote-auction.com offers a greater return on your campaign investment. When you win the auction on a particular voting block, you can be certain that the [V]ote-auction.com voters in that state will vote for your candidate. Thus, you are guaranteed that your interests will be looked after.

Fields marked with a * are required. This information will be used to create a demographic profile of the bidders. Your identity will be kept strictly confidential. This information will not be sold, distributed, or released for any reason. You will be assigned a bidder number so you can follow the bids on the [check](#) page. Registering to bid on votes also registers you for the bidders email list which will contain updates on important [V]ote-auction.com information. You will not receive any advertising or unwanted emails (spam) from this list.

Register to donate funds.

First (Given) Name	<input type="text"/>	*		
Last (Family) Name	<input type="text"/>	*	Middle Initial	<input type="text"/>
Address (Line 1)	<input type="text"/>	*		
Address (Line 2)	<input type="text"/>			
City	<input type="text"/>	*	State	AL <input type="text"/> *
Zip Code	<input type="text"/>	*		
Email address	<input type="text"/>	*	Telephone	<input type="text"/>
Age (on November 7, 2000)	18 <input type="text"/>	*	Sex	----- <input type="text"/> *
I describe myself as:	Asian/Pacific Islander <input type="text"/>	*	Employment Status	Full-Time <input type="text"/> *
Occupation	Administrative/Clerical <input type="text"/>	*	Highest Education Level	Some High School <input type="text"/> *
Household Income	Less than 15,000 <input type="text"/>	*	Political Affiliation	Communist <input type="text"/>

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Amount I
spent in
campaign
contributions
(soft and/or
hard money)
in the 1996
election
cycle.

 *

I am
interested
in
donating
funds
because:

Submit

29

Current bids for the voting blocks:

Minimum bid is \$100. Minimum bid increase is \$50 for bids less than \$10000. For bids over \$10000, minimum bid increase is \$500.

State (# electoral votes)	Number of Voteauction.com voters	Current Total Price	Current Price per vote	Current Leading Bidder
Totals	21079	\$262550	(N/A)	(N/A)
Alabama (9)	214	\$2100	\$9.44	5601
Alaska (3)	6	0	0	none
Arizona (8)	207	\$2300	\$10.98	6301
Arkansas (6)	156	\$2500	\$16.07	8801
California (54)	2546	\$48000	\$19.61	none
Colorado (8)	162	\$2950	\$18.97	8301
Connecticut (8)	292	\$3100	\$15.12	8701
Delaware (3)	52	0	0	no
District of Columbia (3)	371	\$34	\$10.00	56
Florida (25)	540	\$95	\$11.00	63
Georgia (13)	231	\$18	\$10.00	62
Hawaii (4)	65	0	0	none
Idaho (4)	74	0	0	none
Illinois (22)	1632	\$28500	\$12.38	none
Indiana (12)	721	\$12000	\$9.79	6301
Iowa (7)	212	\$2400	\$10.42	8215
Kansas (6)	120	\$1000	\$9.62	8701
Kentucky (8)	245	\$1700	\$7.36	9501
Louisiana (9)	63	\$500	\$3.57	8101
Maine (4)	265	\$1400	\$6.57	9515
Maryland (10)	589	\$8000	\$14.34	5601
Massachussets (12)	731	\$4000	\$6.08	8315
Michigan (18)	1429	\$28000	\$22.73	9301
Minnesota (10)	215	\$2800	\$13.64	9501
Mississippi (7)	178	\$1400	\$8.63	8301

Missouri (11)	562	\$6000	\$10.62	8701
Montana (3)	49	0	0	none
Nebraska (5)	89	\$900	\$10.98	9101
Nevada (4)	161	\$1400	\$8.75	8301
New Hampshire (4)	153	0	0	none
New Jersey (15)	1266	\$6000	\$6.96	9215
New Mexico (5)	182	\$800	\$5.00	7815
New York (33)	0	0	0	none
North Carolina (14)	422	\$4600	\$6.98	8015
North Dakota (3)	51	0	0	none
Ohio (21)	1344	\$19000	\$6.19	none
Oklahoma (8)	290	\$2000	\$5.15	5901
Oregon (7)	418	\$5100	\$11.60	8701
Pennsylvania (23)	1376	\$27000	\$18.24	9010
Rhode Island (4)	83	0	0	none
South Carolina (8)	248	\$3500	\$11.01	5201
South Dakota (3)	42	0	0	none
Tennessee (11)	367	\$3500	\$5.66	4515
Texas (32)	1164	\$2600	\$4.19	9515
Utah (5)	187	0	0	none
Vermont (3)	51	0	0	none
Virginia (13)	282	\$3200	\$11.97	8315
Washington (11)	371	\$5000	\$11.05	9215
West Virginia (5)	121	0	0	none
Wisconsin (11)	428	\$4600	\$10.14	9701
Wyoming (3)	56	0	0	none

last updated 16 October, 2000



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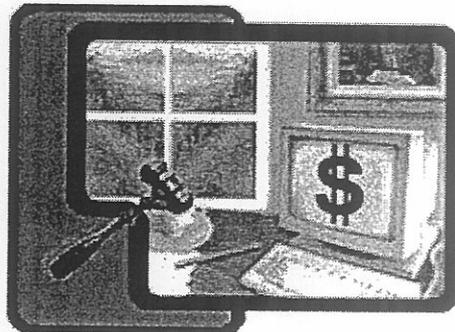
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Web site offers to sell U.S. presidential votes

August 18, 2000
Web posted at: 4:17 PM EDT (2017 GMT)

By *Richard Stenger*
CNN.com Writer

(CNN) -- A new Web site promises to "bring capitalism and democracy closer together" by auctioning votes in the 2000 presidential election.



But the political protest scheme could also bring forth criminal charges, officials said.

"The election industry is spending hundreds of millions of dollars in an attempt to influence the presidential election," reads [votauction.com](#), which launched in August. "This system is an inefficient waste of money for the candidates and their supporters. [Votauction.com](#) is committed to improving this system by bringing the campaign contributors' money directly to the voters."

The August startup purports to give voters the ability to place their ballots on the auction block, state by state. The highest bidder determines which White House candidate the [votauction.com](#) participants in each state will select en masse.

"I'm not being cynical," said founder James Baumgartner, a political science graduate student in New York. "I'm being realistic. Most people have an honest view of how the candidates are selling themselves. Voters should be included in the situation and get some of the windfall."

[MESSAGE BOARD](#)
[Democracy for sale](#)

At least one political observer praised the message delivered by the site.

"It's really a great way to bring home to voters how much others (big donors) are gaining from the system and how little voters are getting in comparison," said Sheila Krumholz, research director of the Center for Responsive Politics, a non-partisan organization that studies the influence of money in politics.

"You have to give this guy credit, bringing this to people's attention in a provocative way," she said.

But not everyone agrees.

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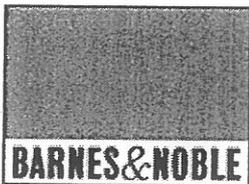
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"It needs to be shut down," said Deborah Phillips, president of the Voting Integrity Project, a non-profit public interest group that often deals with Internet issues. "It's cynicism raised to a new art form. It's destructive to the democratic process. If 50 state prosecutors don't jump on this guy's back and every voter that participates, they aren't doing their job."

Legal authorities have taken notice of similar escapades. The U.S. Justice Department contacted eBay this week after a handful of users offered their votes for sale on the Internet auction site.

When eBay learned of the questionable sale items, it removed them from the site immediately, spokesman Kevin Pursglove said.

"The reality is, even if people think it's a prank, we take it very seriously," said Pursglove. "This is an act that could bring along felony charges."

Vote sellers and buyers violate both state and federal laws and could face thousands of dollars in fines or years in prison, authorities say.

Baumgartner said he is not directly selling or buying votes, only providing a forum where others can do so, provided he takes a percentage of the transaction money.

He also argues that he is protected by recent Supreme Court decisions that equate money with free speech, including one in the 1970s that sanctioned the use of soft money in political campaigns.

But even his sympathizers are not so sure. Krumholz anticipates that the site could face serious legal challenges.

"I worry for the author of the site," she said.

Baumgartner, for his part, remains optimistic.

"I hope to get investors and advertisements soon," he said.

Phillips thinks he should look for something else.

"This is real vote fraud taking place on the Internet. I don't care how you couch it. I hope this guy has some good pro bono lawyers backing him up."

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Web site offering to sell votes shut down

From...
THE INDUSTRY STANDARD
 AN IDG.net SITE

August 23, 2000
 Web posted at: 10:47 a.m. EDT (1447 GMT)

by Ronna Abramson

(IDG) -- If you were thinking of selling your vote in the presidential election, think again.

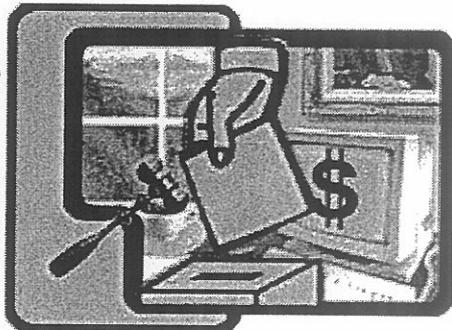
Voteauction.com, a Web site that offers a forum for citizens to sell their votes to the highest bidder, shut down Friday amid legal questions and technical glitches. EBay also has pulled the plug on at least seven people who have posted their votes for sale on its auction site since Wednesday.

The problem: Buying and selling votes violates federal and state statutes.

"You have to make your own decision how you want to vote," says Douglas Kellner, a New York City Board of Elections commissioner who helped persuade Voteauction to close. "People can spend money to influence your vote, but they can't buy it."

James Baumgartner, a graduate student working toward a master's in fine arts at Rensselaer Polytechnical Institute in Troy, N.Y., launched Voteauction earlier this month. He shut it down Friday and announced Monday that he was selling the content and domain name to an e-commerce developer in Austria. He did not disclose sales figures and did not know about the buyer's plans. No charges have been filed against Baumgartner.

Baumgartner's idea was to capitalize on undecided or disillusioned voters who intended to sit out during the November election -- a group that comprises more than half the amount of voters from four years ago. Baumgartner also hoped to divert some of the millions of dollars being spent on advertising and consultants to get voters. "I thought it'd be more direct and more democratic to have these voters make money from their vote," Baumgartner says. The site's



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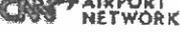
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from their vote," Baumgartner says. The site's motto: "Bringing Democracy and Capitalism Closer Together."

Voteauction planned to auction votes in blocks according to state. Bids would start at \$100 per state and go up by \$50. Whoever had the highest bid would get to decide how the entire group of votes from the particular state would vote. Voters would divide the final price equally among themselves.

Despite server crashes last week, about 200 voters signed up at Voteauction on Thursday after an online article featured the site.

"Selling my vote I think is a very obvious political statement," said one enrollee from upstate New York, who would only give her online pseudonym, "Jenny Ondioline." "It's saying that if the buying and selling of votes is going on even now between closed doors, through the lobbyists, let's make it a little more obvious."

The vehicle for that political statement is following the course of other troubled dot-coms, albeit for a different reason. Although many Web sites have ceased operations in recent months because of financial problems, Baumgartner decided it would be "prudent" to shut the site down Friday night after his thesis adviser, Albany attorney Paul Rapp, received a call from Commissioner Kellner.

"Under New York law, it is a felony merely to offer to sell your vote or to offer to buy a vote," Kellner says. People who buy or sell votes or gamble on the outcome of an election forfeit their right to vote, he added.

Buying and selling votes also is illegal under federal law, according to a U.S. Justice Department spokeswoman. The Justice Department has been talking to eBay's counsel about the votes for sale on the auction site, which were removed, said company spokesman Kevin Pursglove.

Rapp suggests that Voteauction might not have violated the law because it merely proposed to provide a forum for votes to be bought and sold, without engaging in the actual practice. Baumgartner suggests another defense: a landmark 1976 legal decision called Buckley vs. Valeo. In the "money equals speech" decision, the U.S. Supreme Court found that to limit campaign spending was to violate free speech.

While Rapp finds the argument "interesting," he can imagine judges rolling their eyes in a courtroom. After all, "the end result would be the sanctioning the sale of an election," he says. "No judge is going to endorse that."

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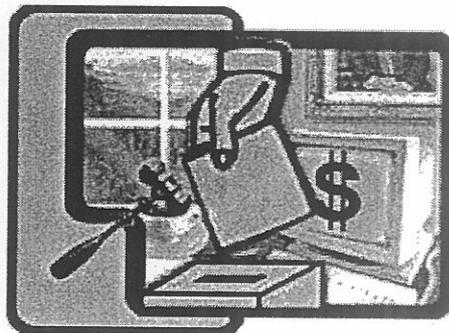
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Vote-selling Web site to be revived, possibly offshore

August 25, 2000
Web posted at: 3:05 p.m. EDT (1905 GMT)

By *Richard Stenger*
CNN.com Writer

(CNN) -- An Internet site designed to auction U.S. presidential votes could reopen days after New York authorities convinced its creator to shut it down, said a maverick Austrian businessman who bought the domain name.



Hans Bernhard said his holding company would operate [voteauction.com](#) outside the United States to circumvent federal and state laws that forbid purchasing and buying ballots.

"Our lawyers are evaluating the situation. The Web site should be up in the next 24 to 48 hours," Bernhard said Thursday. "We still have the option to go offshore if there are legal problems."

Bernhard did not give the name of the holding company. But the e-mail address listed with his domain registration belongs to a Vienna-based group that specializes in unorthodox e-commerce services and works with a variety of Internet companies.

Ubermorgen.com "is a network of flexible digital uber-brains," reads the company Web site, which offers headhunting and investments as well as "guerilla marketing, shock marketing and drama marketing."

MESSAGE BOARD
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Bernhard said he and his European associates might need time to become familiar with U.S. elections and laws, but Bernhard seems to have an idea about U.S. commerce.

"We bought the domain name and related business because we see this as a serious business venture in which we can make money."

Critics think he and others trying to auction ballots on the Internet are making a moral mess of the voting process.

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"The age of Internet voter fraud is here sooner and in more sinister form than even I imagined," said Deborah Phillips, president of the Voting Integrity Project, an activist group that specializes in Internet and democracy issues.

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"We don't have any moral attitude," Bernhard countered. "We are simply business-oriented. We see how the U.S. system works. There's lots of money related to elections. We just come from the other side. We don't go the top down, advertising approach. We take a direct approach with the voter."

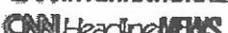
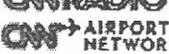
James Baumgartner sold the site for an undisclosed price earlier this week. He launched voteauction.com in early August to allow undecided or disillusioned voters to sell their votes to the highest bidder in the November presidential election.

Whoever bid the highest for each state could decide how those participants would vote. The Troy, New York, graduate student had planned for voters to mail him absentee ballots to verify the selections.

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by Mark K. Anderson

3:00 a.m. Aug. 17, 2000 PDT

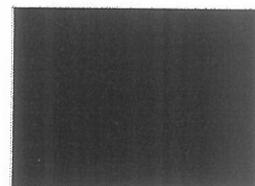
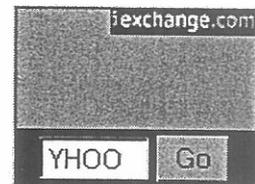
This week, as the country endures a second foregone convention, a website is gearing up to convert voter cynicism into voter income. If citizens do indeed find the choice between Gush and Bore meaningless, the proprietors of [Voteauction.com](#) say, why not at least make a little cash on the side?

That is, after all, the American way.

"The clearest language is, we're selling votes," said James Baumgartner, an MFA student at Troy, New York's [Rensselaer Polytechnic Institute](#) and founder of [Voteauction](#) -- the subject of his thesis.

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"The person who raises the most money is the person who almost invariably wins," Baumgartner said of the current political system. "And they're treating the voter as an end-product, like how the television industry treats the viewers.

"In the current election system, the voter is a product to be sold to the corporations. But they're being sold through this convoluted method of advertising, consultants, (and) traveling. [Voteauction](#) is making a more direct line -- the old cutting-out-the-middle-man approach."

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It's a ploy that certainly strikes the untrained ear as a violation of something -- whether it's election laws or just basic democratic values. It's also an eventuality some framers of the Constitution feared.

According to Sheila Krumholz, research director at campaign finance watchdog organization Center for Responsive Politics, the concept is clever as well as incendiary. "I can't imagine that this wouldn't be rife with legal entanglements and cause legal appeals," she said.

Nevertheless, she added, "I think it's really a brilliant ploy on their part. Through sarcasm it shows how absurd the system is. It tells voters to prize their voting franchise, and yet it tells them it's just another commodity."

Jamin Raskin, a law professor at American University, takes Krumholz's reactions further. He noted that, for starters: "For someone to facilitate an exchange of money for a vote would in most jurisdictions constitute criminal conspiracy."

However, he added, depending on the cleverness with which Voteauction is designed, the site could actually test the limits of the Supreme Court's 1976 "money equals speech" ruling.

"The proposition being tested here is whether the general theory that it's OK for money to buy elections extends to money buying individual votes," Raskin said. "The insight of the authors is that we have now evolved a system in which it's OK for money to buy elections, and yet we somehow cling to the fantasy that there's something deeply immoral about the purchase of an individual vote."

"It's as if we don't care about the big things -- that is, people purchasing public offices. But we obsess over the little things -- that is, people buying votes."

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Sign up with Voteauction, and potential vote sellers are notified that the Voteauction legal agreement (still being hammered out) will be sent to them at the end of the month.

Baumgartner said he's currently considering a process in which the Voteauction participant fills out an absentee ballot and votes for whomever they want in every race but the presidency. Whether that choice will be Bush, Gore, Nader, Buchanan, or someone else entirely is determined by the outcome of the online auction.

"Then when the time comes, whoever wins the auction decides who this group is going to vote for," Baumgartner said. "So I tell those people you should vote for this person. Then they fill in the form, and then they send it to me. And I just verify that they're voting for the correct person."

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Voteauction Bids the Dust

by [Mark K. Anderson](#)

8:20 a.m. Aug. 22, 2000 PDT

Voteauction.com, which attempted to sell presidential votes to the highest bidder, is no more.

Quietly operating since the beginning of August, the site posed a simple question: If entire elections can be bought and sold to the individual or corporation with the most money, why can't individual votes?

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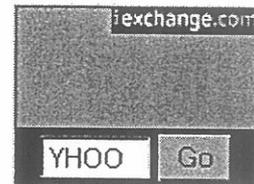
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Last week, Voteauction received a spate of publicity that began with a [Wired News story](#). Two days of intense press and Internet attention followed, which concluded in legal threats that compelled its operator to shut it down.

"I acted immediately when I found out about [Voteauction]," said Doug Kellner, one of two Manhattan representatives on the New York City Board of Elections.

Kellner said selling votes is not only illegal within New York state law, but the state constitution also bars it. The only other crime the constitution defines, he said, is treason.

Before last week, Voteauction had received emails from five voters



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[Vouchers](#)

indicating their interest in selling their votes. When it shut down on Aug. 18, Baumgartner said, an estimated 200 had expressed their initial interest in participating. Although no contracts had been signed -- legal language was still being worked out when the site was shut down -- the interests of potential participants ranged from the pecuniary to the polemic.

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"Some were doing it as a joke, some were serious, some were cynical, some were sincere," Baumgartner said. "Somebody else said they were going to buy [voterauction.com](#)."

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When visited on Monday afternoon, [Voterauction.com](#) -- with the extra "r" - - appeared to be a mirror of the George W. Bush [campaign website](#). Although given the history of web-based [satire](#) inspired by the Texas governor's presidential bid, one can never be sure.

[Naming Net's Best House Friends](#)[Doolittle Does Little to Harm Net](#)[Blu Defends its Auction Action](#)

Kellner stressed the seriousness of the criminal consequences for those who even indicate their interest in buying or selling a vote.

[Rhetoric Reigns at Net Crime Meet](#)[Italy Blu in Wireless Auction](#)

"The message to get out to the public is that posting (intent to sell votes) to a website even in jest is a serious matter. It could subject you to prosecution, or in New York you could forfeit your vote," Kellner said, referring to a New York state law that imposes a one-year forfeiture on vote buyers and sellers.

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Baumgartner, who continues to stress that his site holds a mirror up to a larger corrupt electoral system, offered no comment in response to Kellner's charges.

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Austrian Takes Bids on U.S. Votes

by Mark K. Anderson

3:00 a.m. Sep. 6, 2000 PDT

When a website that offered to auction presidential votes to the highest bidder was

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However, in the meantime, Voteauction.com has changed owners as well as modus operandi. And this time, it appears, the prospect of squelching the wrongdoing is going to involve more than a threatening phone call.

"Our server is in Bulgaria at the moment," said Hans Bernhard, an Austrian investor and new owner of Voteauction. "It's a Twilight Zone out there. And we can even move it further on, if it's necessary. We can disconnect it from my person. We're very flexible with this. Because we're very interested in the core business, in the idea -- and in the future of this idea."

On Aug. 22, Bernhard bought the fledgling site from James Baumgartner, an art graduate student at Rensselaer Polytechnic Institute in Troy, New York, who had conceived of the site as a satire on the

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American campaign finance system. However, where Baumgartner -- who ran Voteauction himself from his studio in upstate New York -- viewed the site as a commentary on the vagaries of American plutocracy, Bernhard espouses no such higher motives.

For the Austrian businessman, American voters have a product that can be sold. Simple as that.

"They're proving the point that the market knows no bounds," said Jamin Raskin, a law professor at American University. "These people are just 50 years ahead of their time in seeing that the ultimate destination of the current [electoral] process is that everything will be for sale -- from the votes of citizens to the votes of legislators to perhaps even, heaven forbid, the votes of Supreme Court justices.

"So the society has got to get serious and figure out what are in fact the principled limitations on the logic of the marketplace. Because right now 'May the highest bidder win' is the logic for everything."

Presently, according to Bernhard, Voteauction has a core team of

seven employees: lawyers, communications experts, and marketing people. As of Tuesday morning, the site was trafficking in 376 votes with \$10,600 in bids already posted. Bids are submitted via email to the Austrian clearinghouse and are broken down state by state.

New York, whose electoral boards shut down Voteauction with one phone call when it was run stateside, has been excluded from the bidding. But in every other state in the union -- where, according to Raskin, vote buying and selling are also unambiguously illegal activities -- Voteauction blithely continues to facilitate vote fraud as if it were just another Beanie Baby auction on eBay.

The 68 California voters who have reportedly offered up their presidential votes to the highest bidder currently face a \$34.56 paycheck for marking their ballots as told -- as well as the possibility of criminal prosecution if they get caught. As of Tuesday morning, the price-per-vote in Illinois was up to \$64.70, while Kansas' two Voteauction participants are promised \$100 each.

According to Brad

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Smith, a law professor at Capital University and current member of the Federal Election Commission, the only distinction between Voteauction and other electoral fraud systems is size.

"Conceptually, the enforcement problem is really no different from any other vote-fraud or vote-buying scheme," Smith said. "If I'm going to go out and buy votes with street money I'm going to try to keep it underground, and make sure people can't track it or get witnesses. What's different here is the potential magnitude of operation. Because what the Web does, as it does in all kinds of legitimate commerce, is provide this great worldwide auction market."

Smith, who also pointed out that prosecution of such illegal activities would most likely be up to individual states, questioned the ultimate feasibility of the Voteauction scheme -- since verification is a bottleneck that fortunately no one has been able to work around.

However, verification is only as much of a concern as buyers want it to be.

"Verification will now

be the responsibility of the winning bidder," a spokesman for Voterauction said in a recent email interview. "They can choose from a variety of methods for verification of the votes. They may have the voters send in their absentee ballots for verification, they may have the voters take a photograph inside the voting booth, or they may go on the honor system -- this is the system that many vote-purchasing endeavors have used in the past.

"We have chosen to have the winning bidders responsible for the verification because it would not be feasible to have people send their absentee ballots all the way to Austria and have us send them back to America within an appropriate time frame."

As for the obvious and undoubtedly immediate reaction Voterauction will inspire when state prosecutors and boards of election get wind of its activities, Bernhard sounded a sentiment all too familiar in an age where the difference between onshore and offshore commerce can be measured in mouse clicks.

"Why should we react on a state prosecution level?" Bernhard

asked. "Outside of the U.S., we don't care about state law. We only care about any kind of international law that might be affected. On the other hand, there might be a reaction on our side, if it might affect the users who sell their vote. That would be the only reason why we would react. But then we would be protecting our customers, and not our company."

Should Voteauction actually manage to weather the coming tempest of summons and prosecutions -- and also somehow insulate its buyers and sellers from detection and conviction -- Bernhard said he has plans to venture beyond what he calls "the American election industry."

"For us, it's a double strategy," said Bernhard, whose investments include the wily conglomerate of Internet mischief makers

Roger Pilon of the libertarian Cato Institute noted that Voteauction's illegal activities should indeed be curtailed. But he also understood the frustration of the American voters and vote-buyers who participate in the process:

"When Al Gore

promises prescription benefits for seniors, is he not buying votes? When George W. Bush says to college students, I'm going to give you free tuition if you vote for me, it's the same thing, isn't it?"

Still, according to Smith of the FEC, an important distinction remains between vote-influencing and outright vote-buying.

"There is much that is problematic about any system of financing elections, including the way we finance our elections now," Smith said. "But there is a fundamental difference between paying someone to vote in a certain way and trying to convince someone to vote in a certain way. Trying to convince any large group of people involves spending money to communicate, and that's what the Supreme Court said in Buckley v. Valeo.

"But the voter remains under no obligation to vote in any particular way. There's a reason why every state in the union makes it illegal to buy votes. But no state makes it illegal for individuals to contribute money to a candidate."

Raskin of American University reiterated that Voteauction has entered the American

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marketplace when accusations of corruption and influence peddling have become so rampant that outright vote fraud loses some of its outrageous taint.

"Traditionally, we have thought that votes operate in a separate sphere from dollars," he said. "But the Supreme Court has not helped to build a wall of separation between public elections and the private economy. On the contrary, that wall is riddled with holes and crumbling all the time. So I think this business is appealing to a strong public sense that everybody's getting rich in politics but the voters."

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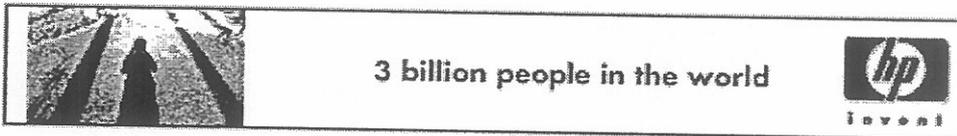
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Thousands Sign Up to Sell Votes

by [Mark K. Anderson](#)

3:00 a.m. Sep. 22, 2000 PDT

According to detective novels and TV shows, criminals are those who perform illegal actions clandestinely. But some real-world scofflaws get more mileage out of the adage, "If you've got it, flaunt it."

Recently, the Austrian owner of Voteauction.com flaunted it.

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Boasting of the more than 6,000 Americans who have signed up to auction off their presidential votes to the highest bidder -- illegal activity under the laws of every state in the union -- Voteauction is now detailing its plans to begin an outreach campaign.

Using its "Voter Empowerment Kits" and "Action Teams," the company claims in a press release that it can reach more potential customers and facilitate voter fraud without the intervention of an online middleman.

Such activity leaves Deborah Phillips of the [Voting Integrity Project](#) flummoxed.

Phillips has been observing the [ups](#) and [downs](#) of the blatantly felonious site since August, when Wired News first

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reported on this curious conglomeration of satire, lawlessness and voracious capitalism.

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"Why isn't the Justice Department getting involved?" she said. "Why hasn't there been any comment from the White House? Why hasn't Congress held any hearings?"

[China's Dramatic Telecom Reversal](#)

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Federal Election Commission member Brad Smith noted that federal and state officials may be hesitating for three reasons.

[Intel: Mideast Chips Are Safe](#)

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First, the site probably hasn't garnered enough media attention yet to mobilize all the forces who should be opposing Voteauction.

[Rating the Reps on Net Issues](#)

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Second, since the site traffics in a novel form of overseas-instigated vote fraud, it's also undoubtedly unclear just who those forces are -- whether they be the Department of Justice, Department of State, municipal or statewide boards of election, state attorneys general or other offices tasked specifically to monitor the Internet. (Voteauction, he guessed, would probably not be handled by the FEC.)

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Finally, he said, it's still unclear just how widespread a threat a site like Voteauction represents.

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"I suspect that if this began to appear to be a problem on a large enough scale, though, you'd see action, and it'd come quickly," Smith said.

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According to Hans Bernhard, the Austrian businessman who bought Voteauction from James Baumgartner, a New York graduate student who developed the site, American reaction against his investment has already begun.

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In addition to the hate emails he receives for running an offshore enterprise that facilitates American felonies, Bernhard reports that the site has also been the recipient of numerous hacks and electronic attacks.

"We do understand that there is a certain interest on the part of certain services of the U.S. government who most probably are interested in this data," Bernhard said of Voteauction's list of vote sellers and buyers. "Our job is to protect this data. We don't want this data to be public."

According to James Baumgartner, the MFA student who first conceived of the site as a commentary on wholesale corruption in American politics, a few facts can be divulged about the \$75,000 in bids so far and the 6,000 participants.

Vote-sellers on the whole tend to be in their twenties, male and with at least some college education -- including a lot of college students, he said. Vote buyers, on the other hand, tend to be in their forties, affluent and Republican.

Almost all of the bids for votes -- broken down by state -- have come from individuals seeking to increase the number of votes for their favorite candidates. Only three companies, in the "\$200 million sales range," Baumgartner said, have yet placed any bids for Voteauction votes.

The profile of both sides of the Internet auction does jibe with the history of vote-buying in America, said Larry J. Sabato, a University of Virginia political scientist and author of the 1996 book *Dirty Little Secrets: The Persistence of Corruption in American Politics*.

Especially telling is the fact that the payoff-per-vote, as tallied on the site, is settling into the \$10-\$20 range -- the amount of cash an individual vote tends to command in other, non-Internet-based schemes.

"It always seems to be about \$20," Sabato said. "That must be the going rate. And when you think about it, it makes sense. Because 10 bucks is not what it used to be. With 20 bucks you can get a pretty good meal, if you know where to go. And I think that's how

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some people conceive of it. Their vote may be worth a meal. It's sad, but that may be true."

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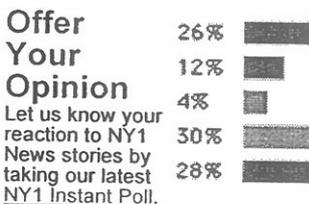
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USA TODAY Tech Report

08/23/00- Updated 10:21 AM ET

(none)

The news behind the Net

Votes up for auction draw official inquiries

By Janet Kornblum, USA TODAY

Pranks or not, legal officials and election watchdogs are taking seriously the recent attempts to buy and sell political votes on the Internet. Authorities, including the Department of Justice, are looking into several cases of Net vote commerce: In the past week a handful of people have put their votes up for sale on general auction sites, and a New York student launched a site designed to match vote buyers and sellers.



For past E-Briefing columns, click here.

Both eBay and Yahoo! have removed the auctions and are cooperating with the Justice Department, says an agency spokeswoman. Officials in New York and

Maryland also are investigating.

It's unclear if anyone will be prosecuted, but Deborah Phillips, chairwoman of the Voting Integrity Project, a watchdog group based in Arlington, Va., worries that the Net is creating a "fundamentally dangerous" venue for fraud.

Phillips is especially concerned because James Baumgartner, 26, a student at Rensselaer Polytechnic Institute in Troy, N.Y., is selling his site, VoteAuction.com, to an Austrian businessman. Baumgartner, who says he launched the site to make money, shut it Friday after New York City's Board of Elections raised concerns. He's selling it for an undisclosed price to Hans Bernhard, a Vienna businessman who says he intends to put it back up once he figures out how to run it legally (possibly moving it offshore) and how to profit from voters wanting to make a buck.



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"We'll evaluate it and have it running during the presidential election and see if this is a fruitful business," Bernhard says.

Whether the site is successful or intended to be a parody — and even though votes can't be legally sold — the cases raise troublesome issues to Phillips. "I love the Internet. But the more I've looked at this issue, the more concerned I've become, because there's a different mind-set that goes hand-in-hand with Internet entrepreneurs."

Brian Ward, 28, an Ellicott City, Md., database developer who says he was the first to offer his vote on eBay last week, has told Maryland officials that he meant it as satire. "Even if you were serious, you couldn't do this. This warrants some attention, but I think the Internet community is pretty vigilant."



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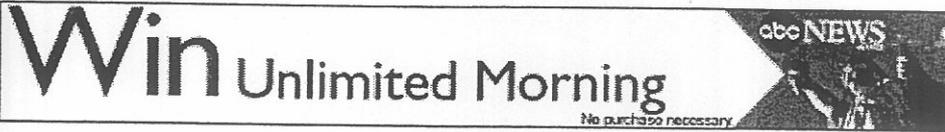
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Personal (Campaign) Finance Internet Sites Try To Sell Votes

By Sascha Segan

abcNEWS.com

Aug. 20 — Your vote could be worth cash.

At least three people recently tried to auction off their votes in November's presidential election to the highest bidder on eBay. In upstate New York, a site called [votauction.com](#) is trying to be even more audacious, selling blocks of votes to interest groups who want to influence the election.

There's only one problem: it's illegal. Buying and selling votes in North America has been illegal since the 1680s, electoral historian Bob Murch said.

"Buying votes has been a crime ever since people started having elections. It was a crime in the Roman republic," he said.

The owner of [votauction.com](#), James Baumgartner, a graduate student at Rensselaer Polytechnic Institute in Troy, N.Y., insists that he's for real.

Court cases have proved, he argues, that in elections, "money is free speech. Corporations or individuals are ... influencing voters with their money. [Votauction.com](#) is a more direct method of doing that," he said.

As a satire on the political system, the vote-sellers get their points across, said Susan Quatrone of political reform advocacy group Common Cause.

"The idea that the American voters' choices are basically auctioned off to the highest bidders through the soft money system is very true. I like direct, honest satire that cuts through the rhetoric which tries to pretend this system is clean," she said.

Wanna Buy a Vote?

The votes on eBay appeared for sale on Wednesday and Thursday, spokesman Kevin Pursglove said, and were taken down when a user noticed them and complained.

The auction site, which handles more than 50 million listings every three months, takes down illegal auctions when told about them — in the past people have tried to auction off things like "the dolphin which found Elian [Gonzalez] at sea" and a

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One of the votes got up to \$122 before getting knocked out.

Voteauction.com is a bit more complicated than the one-seller, one-buyer votes on eBay. Apathetic voters theoretically give their votes to the site, which then auctions them off in blocks, state by state, to corporations or individuals.

Voters would order absentee ballots, fill them out based on Voteauction's recommendation, and then send them to Baumgartner for verification before he sends them to polling places. The voters would get cash; Baumgartner gets revenues from banner ads placed on his site.

"The election industry is spending hundreds of millions of dollars in an attempt to influence the presidential election. This system is an inefficient waste of money for the candidates and their supporters. Voteauction.com is committed to improving this system by bringing the campaign contributors' money directly to the voters," the site says.

As of this afternoon, 200 people had signed up with voteauction.com, according to Baumgartner. Earlier this week, votes were going for up to \$50 apiece. Four "interested individuals" — not candidates — had applied to buy some of the votes, Baumgartner said. He plans to close his auction two weeks before the election.

That is, if he isn't arrested. Any attempt at buying or selling individual votes is criminal, according to the U.S. Justice Department.

"Anyone who's going to be in a position to buy probably has a lawyer who's going to hit the roof at the very thought of it," Murch said.

Voteauction.com tries to bolster its case by citing past precedents, like a 1757 Virginia election where George Washington bought all the voters liquor. That's different from buying individual votes, Murch said. Washington threw a party after the vote to which everyone was invited, whether or not they voted for him.

Overpriced Votes

The auctions are way above market rates, according to campaign finance data from Common Cause. During the 1995-1996 presidential election cycle, the Democrats spent \$141 million to convince 45.6 million people to vote for Bill Clinton, or \$3.09 per vote. The Democrats also spent an additional \$7.36 per vote in "soft money" — funds spent to influence the electoral process through issue-related advertisements and party support.

The Republicans spent \$7.61 per vote in direct campaign money for Bob Dole, and \$14.74 per ballot in soft money.

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So far in 1999-2000, the Democrats have raised nearly double the amount of soft money that they had at this point in the 1995-1996 cycle, Common Cause data says. The Republicans have raised 82 percent more in 1999-2000 than at the equivalent time in 1995-1996.

Cynical World

The political process isn't exciting Americans — that's been shown by low voter turnout rates, Murch said. Selling votes through the Internet means people see their franchise as worthless, he said.

"People see no value in their vote; they don't see their vote as something that allows them to participate in self-government ... instead of simply not voting, they think, I'll give my vote to the highest bidder," he said.

Quatrone sees it as the ultimate statement of political futility.

"If [voteauction] is serious, it is a sick sign of the depth to which cynicism has sunk," she said.

Baumgartner agrees that his vote-sellers don't feel like their votes matter much.

"Most of them are people who see the candidates spending a lot of money and feel like they deserve part of that," he said. "A lot of them also say that the two candidates are pretty much the same on issues that matter to them. They feel like they aren't making a difference if they choose one of those two candidates, so they feel like they might as well make some money as part of the process," he said. ■

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TODAY IN SLATE

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Buy This Vote!

The Web puts democracy on sale.

By [Jeremy Derfner](#)

Posted Wednesday, Aug. 23, 2000, at 12:30 p.m. PT



Last Tuesday, an eBay user offered his vote to the highest bidder, and five copycat vote-sellers followed suit. Meanwhile, James Baumgartner, a graduate student at Rensselaer Polytechnic Institute, had launched Voteauction.com, an Internet marketplace for the wholesale purchase of votes. The model was simple: Recruit willing voters, auction them off in state blocs, double-check their absentee ballots for accuracy, and split the proceeds evenly. The schemes generated a lot of media attention and some sellers and buyers—the bidding on eBay reached \$10,100, and Voteauction found 200 takers in a single day.

But it was all over inside a week. Baumgartner shut down Voteauction after his academic adviser received a call from the state board of elections, and he sold the content and domain name to an Austrian company. eBay pulled all six auctions after a day.

The problem is that vote-buying and -selling is clearly illegal. Every state prohibits a market in votes, and buying or selling votes in a federal election is a federal crime punishable by a \$10,000 fine and five years in jail. (So far, no Internet vote-sellers have been charged.) Though Baumgartner isn't testing it, he has suggested that he could mount a defense on the grounds that money equals speech, a reference to the landmark Supreme Court decision in *Buckley vs. Valeo*, which struck down campaign spending limits and is anathema to campaign-finance reformers. In fact, a *Buckley* defense would fail. In 1982, the court ruled (in *Brown vs. Hartlage*) that buying, selling, or arranging to buy or sell votes is not constitutionally protected speech.

Baumgartner insists that votes have been for sale in America

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at least since 1757, when George Washington bought alcohol for every voter in his House of Burgesses district. But the reality of colonial corruption was rarely so simple. Voters were tied to each other through business and family connections, and a man was expected to vote for his patrons.

Flagrant vote-buying came into prominence with the expansion of the franchise and the rise of the political boss in the mid-1800s. Big-city machines routinely got out the vote by paying for it with cash on election morning. The practice was so common that cartoonist Thomas Nast started his career depicting it (click [here](#) for an example). On a deeper level, the machines unapologetically operated on the principle of giving favors for votes. Poor voters especially could count on food, coal, and patronage jobs as long as they voted with the boss.

By the late 1800s, reformers were sure the machines had corrupted democracy. They pushed for secret ballots and Australian ballots (as opposed to pre-marked party ballots) in part so that bosses could never be sure who voted for whom. Most political machines broke down by the 1920s, and yet a vote-buying scandal still crops up every few years. In 1996, for instance, 21 Georgians were indicted for selling their votes in a county election for \$50 apiece.

Some experts saw the abortive Internet vote auctions as old-style machine politics with a high-tech twist. The chairman of the [Voting Integrity Project](#), a conservative front group, called Voteauction an "obscenity" and warned of a "bloodless coup." But few would disagree that the problem with money in politics today is the hundreds of millions of dollars at the top, not a few dollars at the bottom. Which is why the short-lived vote sale should be seen less as a serious act of sabotage and more as guerrilla theater.

One eBay seller confirmed that the auction of his vote was a "political prank." His original posting included the following description: "Why should the American citizen be left out? Congressmen and senators regularly sell their vote to the highest bidder. Democracy for sale!"

Baumgartner's intentions are harder to figure because he never recanted or even cracked a smile, but his sense of irony is undeniable. According to Baumgartner, the biggest spenders invariably win elections today, but they do it messily, with big advertising budgets and paid consultants. Voteauction, he claimed, would bring market efficiency to the electoral process by "cutting out the middle man." Voteauction's slogan? "Bringing Democracy and Capitalism Closer Together."

Ralph Nader's now-famous MasterCard parody makes the same point (click [here](#) to see the ad), as did the protesters outside the conventions when they offered delegates money for their credentials. Many campaign-finance reformers,

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including Sheila Krumholz of the [Center for Responsive Politics](#) and American University law professor Jamin Raskin, have said they appreciate the vote-selling sentiment, though they would deplore the practice.

John Bonifaz, the executive director of the [National Voting Rights Institute](#), said the vote auctions are indeed bribery, but so is "a lot of what goes on in the halls of Congress and in the White House." What Baumgartner and the eBay seller did is "only one or two steps removed from the existing campaign-finance system," Bonifaz said.

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Reader Comment from The Fray:

Lucky Janet Reno doesn't run eBay. It would take four years to decide whether or not selling votes is illegal.

--Dennis

(To reply, [click here.](#))

The article raised in my mind the following question: Would it not be appropriate to establish a vote-buy-back program similar to the gun-buy-backs promoted by the gun control crowd? Suppose one were to offer, oh, \$25 to any registered voter (in a selected city or neighborhood, of course) who *did not* vote at all in a particular election? Obviously, anyone offering to sell their right to vote for such a modest sum has no particular business voting and the sponsors of the buy-back are not asking anyone to vote for or against a particular candidate so what would be the problem? In the one case, people are bribed not to exercise their right to arms, in the other they are bribed not to exercise their right to vote.

--Jack Dupont

(To reply, [click here.](#))

I wonder if it would pass legal muster if the voter offered to sell merely his attention to some free speech by the politician, rather than his vote itself. This is the theory by which campaign contributions are not held to be bribery of the politician involved, in that there is supposedly no *quid pro quo* that the politician will change his vote to favor the contributor, so that the contributor is given nothing but access and a hearing in exchange for the money. Why can't a voter make the same claim, ie that "Of course I didn't vote for Smith because his campaign credited my account for that \$50. That money simply got me to scroll through their informative web site, where I found arguments so compelling I could not but vote for Smith. That auction I held to get to the figure of \$50? Well, my time is limited, I can't waste it scrolling through everyone's web sites. My time is certainly worth more than the \$10 the Vegetarian Party offered me."

--Glen Tomkins

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(To reply, click [here.](#))

[A number of readers made similar points--"Politicians try to buy my vote, so why can't I sell it" and "While I will not sell my vote to anyone, if someone wants to lobby me, I'm having a dinner party at \$10,000 per plate." One poster tried to answer them.]

What politicians provide in return for campaign donations is access to their time. A politician's schedule is discretionary, not an inalienable right. There is no sale of access, but rather a predisposition to hear out those who help fund election success. Be careful condemning this predisposition, for it applies to small donors as well as large, and to citizen groups as well as fat cats. If a politician assures he/she will vote a certain way in return for a specified amount money, then that is graft. The legal point with graft is not the transfer of an inalienable right but rather a dereliction of duty, a willful failure to represent the citizenry. The worst disservice to democracy created by our current campaign finance system is the time it requires from politicians and staff that is diverted from attending to public business. A representative democracy will fail if it is not both deliberative and participatory. As things stand, there is little time available for negotiated synergy, and little incentive to pursue issues that don't return a high dollar value to campaign coffers.

--[Aghast](#)

(To reply, click [here.](#))

(8/24)

Jeremy Derfner is a Slate editorial assistant.

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August 21, 2000, 3:53 PM PDT

Wanna Buy My Vote? Fuhgeddaboutit

Voteauction.com, a site that enables citizens to sell their votes, shut down Friday amid legal questions.

By Ronna Abramson

If you were thinking of selling your vote in the presidential election, think again.

Voteauction.com, a Web site that offers a forum for citizens to sell their votes to the highest bidder, shut down Friday amid legal questions and technical glitches. EBay also has pulled the plug on at least seven people who have posted their votes for sale on its auction site since Wednesday.

The problem: Buying and selling votes violates federal and state statutes.

"You have to make your own decision how you want to vote," says Douglas Kellner, a New York City Board of Elections commissioner who helped persuade Voteauction to close. "People can spend money to influence your vote, but they can't buy it."

James Baumgartner, a graduate student working toward a master's in fine arts at Rensselaer Polytechnical Institute in Troy, N.Y., launched Voteauction earlier this month. He shut it down Friday and announced Monday that he was selling the content and domain name to an e-commerce developer in Austria. He did not disclose sales figures and did not know about the buyer's plans. No charges have been filed against Baumgartner.

Baumgartner's idea was to capitalize on

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undecided or disillusioned voters who intended to sit out during the November election – a group that comprises more than half the amount of voters from four years ago. Baumgartner also hoped to divert some of the millions of dollars being spent on advertising and consultants to get voters. "I thought it'd be more direct and more democratic to have these voters make money from their vote," Baumgartner says. The site's motto: "Bringing Democracy and Capitalism Closer Together."

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 Got a scoop? Tip us off

Voteauction planned to auction votes in blocks according to state. Bids would start at \$100 per state and go up by \$50. Whoever had the highest bid would get to decide how the entire group of votes from the particular state would vote. Voters would divide the final price equally among themselves.

Despite server crashes last week, about 200 voters signed up at Voteauction on Thursday after an online article featured the site. "Selling my vote I think is a very obvious political statement," said one enrollee from upstate New York, who would only give her online pseudonym, "Jenny Ondioline." "It's saying that if the buying and selling of votes is going on even now between closed doors, through the lobbyists, let's make it a little more obvious."

The vehicle for that political statement is following the course of other troubled dot-coms, albeit for a different reason. Although many Web sites have ceased operations in recent months because of financial problems, Baumgartner decided it would be "prudent" to shut the site down Friday night after his thesis adviser, Albany attorney Paul Rapp, received a call from Commissioner Kellner.

"Under New York law, it is a felony merely to offer to sell your vote or to offer to buy a vote," Kellner says. People who buy or sell votes or gamble on the outcome of an election forfeit their right to vote, he added.

Buying and selling votes also is illegal under federal law, according to a U.S. Justice Department spokeswoman. The Justice Department has been talking to eBay (EBAY)'s counsel about the votes for sale on the auction site, which were removed, said company spokesman Kevin Pursglove.

Rapp suggests that Voteauction might not have violated the law because it merely proposed to provide a forum for votes to be bought and sold, without engaging in the actual practice. Baumgartner suggests another defense: a landmark 1976 legal decision called Buckley vs. Valeo. In the "money equals speech" decision, the U.S. Supreme Court found that to limit campaign spending was to violate free speech.

While Rapp finds the argument "interesting," he can imagine judges rolling their eyes in a courtroom. After all, "the end result would be the sanctioning the sale of an election," he says. "No judge is going

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to endorse that."

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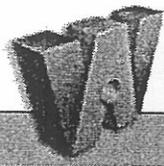
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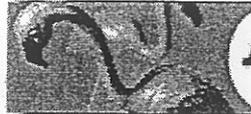
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Straight Talk from Voteauction.com

by Chris Connor

August 18, 2000, 3 p.m. PT

If the pandering and vaudeville antics of the Republican and Democratic conventions inspired you with nausea instead of idealism, you're not alone.

The politicians spend millions of tax dollars and corporate and special interest contributions to purchase your vote; sadly that green goes to consultants and ad geeks. You, the taxpayer who finances the monkey show, now has a chance to partake of the corruption that is politics.

[Voteauction.com](#) (click here for a [mirror site](#)) puts the power in your hands--and the cash in your wallet--allowing you to sell your vote directly to the entity that is ready to shell out.

As the site says: "The election industry is spending hundreds of millions of dollars in an attempt to influence the presidential election. This system is an inefficient waste of money for the candidates and their supporters. Voteauction.com is committed to improving this system by bringing the campaign contributors' money directly to the voters."

They also post a history of vote-purchasing starting in the days of old George Washington.

To sell their votes, users must first register at Voteauction.com, giving their name and address. Whoever bids the most for Voteauction.com's users, which are broken down by electoral district, will be able to choose the candidate the group will vote for en masse via absentee ballot. The winnings will be split equally among each state's Voteauction.com voters.

"The free market will determine the value of the votes in each state," Voteauction.com explains. "Votes in heavily populated states may be more valuable than votes in less populous states, however, if there is a large number of voteauction voters in a small state, the voteauction voters could help swing that state and thus the state's electoral votes."

The starting bid for voteauction.com's votes is \$100, with a minimum bid increase of \$50. Individuals, corporations, and organizations must first register in order to bid.

In related news, those Honest Abes over at eBay have done it again, halting auctions by people trying to sell their votes in the upcoming U.S. presidential election. Apparently the Department of Justice and the Federal Elections Commission are investigating. Yahoo was also investigating a vote up for auction.

AW's guide to Online Auctions

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Voteauction.com did not respond to emails by press time, so it's unclear whether it is also facing flak from the feds for its Web site. But this afternoon it was experiencing very heavy traffic, with more than 200 people registering to sell their vote in one day.

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GOING, GOING GONE!

There is a dangerous new wrinkle out there in the vote fraud world -- Thanks to the Internet, you can now put your vote up for auction -- or if you are on the other side of this fraudulent and felonious scheme -- you can buy blocks of votes in jurisdictions where your candidate or party may need them!

[Click here: Close Vote? You Can Bid on It](#)

I have not been successful in accessing the actual VOTEAUCTION website -- perhaps officials have already shut it down -- but to me it raises the level cynicism about elections to new and dangerous heights. Rather than performing some perverted public service by raising new legal issues about the vote -- the perpetrators of the website and all their cynical participants are engaging in illegal activity which could become tantamount to a bloodless coup. Imagine if there were widespread unfettered participation in this site -- then the presidential race truly would go to the highest bidder!

This website is an **INSULT** to every American who has ever fought to protect our freedom or for the right to vote in America!

I hope that prosecutors in all fifty states -- not to mention the U.S. Congress -- will act immediately not only to shut this obscenity down -- but to fully prosecute all of those involved.

Deborah M Phillips
Chairman and President
THE VOTING INTEGRITY PROJECT

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Associated Press

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SALT LAKE Tribune

NEWS  **RELEASE**
California Secretary of State Bill Jones

BJ00:81

FOR IMMEDIATE RELEASE
Tuesday, August 22, 2000

Contact: Shad Balch
Alfie Charles

Jones Issues Warning Against On-line Vote Buying Schemes

SACRAMENTO --- Secretary of State Bill Jones today issued the following statement regarding recent stories about on-line vote buying and selling on the E-Bay auction site and through a web site at voteauction.com:

"Any individual who attempts to buy or sell votes, whether through an Internet auction site or personal communication, is guilty of a felony and will be prosecuted to the fullest extent of the law.

"We have an absolute zero tolerance policy for voter fraud in California. My election fraud investigation unit is looking into the recent reports of Internet-based vote buying schemes, will be monitoring web sites for suspicious election activity and will forward any information they find to the appropriate prosecutors for immediate action.

"During the last nine months, voter fraud investigations conducted by my office resulted in six convictions for a total of 13 years in prison."

"Voters who have been approached regarding vote-buying or voter coercion should contact the Secretary of State's office at 1-800-345-VOTE."

-30-

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Oregon citizens can go online to bone up on their election choices without having to wait for versions arrive in the mail

10 pols who get the Web

Of the roughly 700 congressional campaign sites out there, many are just electronic donations, but some have come up with innovative features

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Two legislators have urged Congress to vote in favor of cutting off E-Rate subsidies for libraries that don't block children's access to online pornography

Internet voting put to the test

On Election Day, voters in Arizona, California and at military bases may decide the future of internet voting

Chicago wants Voteauction gone

The Chicago Board of Election Commissioners said it has asked federal and state attorneys to shut down a Web site that offers votes to the highest bidder

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American Cynicism, 101

In the old days, you could rig an election by raising the dead and getting them to the polls. Student James Baumgartner wants to change the rules, by offering disinterested citizens a chance to auction their ballots online.

by Liz Borod
Web exclusive

Some people find it disturbing that only 49 percent of the 196 million eligible voters cast their ballots in the last presidential election. But James Baumgartner, a 26-year-old master of fine arts student at Rensselaer Polytechnic Institute in Troy, N.Y., finds inspiration in Americans' widespread political apathy.

Baumgartner is the founder of [Voteauction.com](#), a Website which purports to let voters auction their votes to the highest bidder, eBay-style. The site packages "unused" votes in blocks, by state.

Baumgartner, who launched his venture Aug. 1, says that because big corporations and special interest groups indirectly "buy" votes using soft money contributions to political campaigns, there's no reason to keep the average Joe from selling his vote on the open market. "I wanted to provide a free service to campaign contributors and voters," he says.

That argument may have worked at Tammany Hall, but not at the New York City Board of Elections, which didn't find

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the publicity stunt funny. Seventeen days after Baumgartner took his site live, Douglas Kellner, a commissioner at the New York City Board of Elections, phoned the student's attorney, Paul Rapp, and warned him that buying and selling votes was illegal in 50 states and could leave Baumgartner subject to criminal prosecution. "I got the impression that that he thought nobody was going to care about it," says Kellner.

"While the site is clearly illegal, I only regard it as a small nuisance," he adds. I don't think they can accomplish what they set out to do." Kellner believes the chances of attracting enough voters to affect the outcome of an election are extremely slim.

The week after Kellner's call, Baumgartner sold the site to Hans Bernhard, CEO of Ubermorgen, an Internet incubator in Vienna, Austria, for an undisclosed amount and agreed to stay on as the U.S. spokesman. Moving the company's server to Bulgaria to decrease the possibility of legal problems, Bernhard relaunched the site on Aug. 28 with a note saying that voters from New York could not participate. "We're not moral," Bernhard says. "We're interested in the consumer, because the consumer is our business."

Voteauction.com claims that 2,294 people have signed up to sell their votes so far, and that the highest bid -- \$7,300 -- has been for 413 votes in California. But it's unclear whether any money is changing hands; the site isn't set up for credit card transactions and simply instructs bidders to contact sellers to complete their deals. Voteauction.com has no way of actually verifying that someone who has sold his vote will actually cast his ballot as promised.

If anyone was actually trading in votes on the site, they probably wouldn't get in trouble, says Deborah Phillips, chairman of the Voting Integrity Project, a non-profit organization in Arlington, Va. "The Internet has a lot of loopholes when it comes to state and federal laws," she says.

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Bernhard says he hasn't yet determined how he will make money from the site. Right now, he's interested in using it as a research and development tool to let him see what kind of opportunities exist in the "election industry." If Voteauction.com generates enough traffic to make money from advertising, Bernhard says he will consider setting up similar sites for England and Germany, where elections are similar to ours. But he has no plans to create one for Austria. "The campaigns are state funded," Bernhard says. "It's too small a market, so it doesn't make sense."

Jay Stanley, an analyst at Forrester Research, doesn't believe that Bernhard plans to turn Voteauction.com into a lasting business, but thinks he'll attract plenty of attention while the site stays up. "It seems like more of a gimmick," Stanley says, "and scams do succeed in drawing large numbers of people to the site, so that could work as far as getting advertisers. They would have trouble getting legitimate advertisers, unless they could do it in a tongue-and-cheek way to not offend people's sensibilities."

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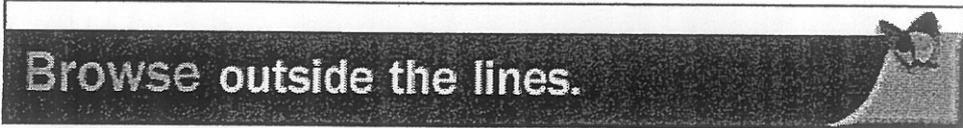
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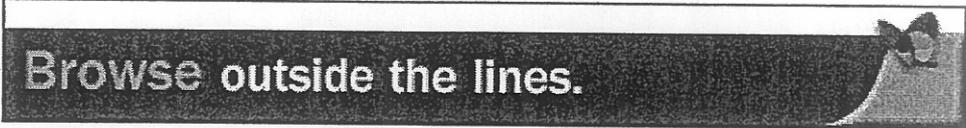
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Votes for sale online in the US

By: Lucy Sherriff
Posted: 05/10/2000 at 11:48 GMT

Chicago's gangster ridden past has come back to haunt city officials with the appearance of a new website - Voteauction.com, where people can register to sell their vote to the highest bidder

Windows Me
Special Report

Perhaps unsurprisingly, city officials have failed to get the joke. The Board of Elections sent letters to federal and state prosecutors demanding that the site be shut down.

Register with Coverage:
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Board chairman and sourpuss Langdon Neal commented: "In Chicago we react strongly and quickly to this type of activity - whether it's tongue-in-cheek or not - because we need to guard our reputation here that this is a place where voting activity is legal and above board and beyond reproach."

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Reg kit - You know you love it

The value of a vote varies widely from state to state. In Illinois, where 168 votes have been registered for sale, the asking price is a mere \$15.79. Californian votes, by contrast, are going for more than \$5,000.

However, it may prove quite a trick to get the site shut down. As advertised on the front page of the site:

"Voteauction.com has recently changed ownership. It is now owned by an Austrian holding company that has invested in many of America's new, emerging industries. We feel that the American Election Industry provides unique new opportunities for the foreign investor. We purchased voteauction.com in order to investigate the profit-making potential of the American Election Industry"

The new owner is running the site from Austria, and might just be outside the jurisdiction of any American authorities. And according to Dai Davis, a consultant solicitor with UL legal firm Nebarro Nathanson, there may be no way to get the site closed down at all.



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"If it is a criminal offence in both the US and Austria, then it would be easy to shut down," he said. "But presumably if it was criminal then there would have been a complaint made against it. If it is lawful to sell your vote, then I can't see how they could do it in practise. It isn't so much a grey area as it is an impossibility to stop people doing things abroad." ®

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Americans Sell Their Votes for \$10 Each

posted by [cosmo](#) on Friday September 29, @12:11AM
from the [my-vote-for-a-burger-please](#) dept.

If you needed further proof that Americans are disgusted with politics, just check out [Voteauction.com](#), which allows people to auction off their votes to the highest bidder. According to a [Wired News](#) article, more than 6,000 people have already signed on, eager to profit off of their democratic rights. And how much are our fellow countrymen's voices going for? Looks like it's in the \$10 to \$20 dollar range, folks. Sad? Perhaps, but not all that new. James Baumgartner, a grad student at Rensselaer Polytechnic Institute [argues](#) that votes have been on the market since 1757 when George Washington bought drinks for all the voters in his district. Officially, the practice of selling votes is illegal, and there's at least one group that's a little miffed the site's still running. *"This website is an INSULT to every American who has ever fought to protect our freedom or for the right to vote in America!"* [raged](#) Deborah Phillips, president of the [Voting Integrity Project](#). The site operators got around America's laws by, well, leaving America. Note to Congress: shape up, or Americans will ship out.



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I'd do it... (Score:0)

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by Anonymous Coward on Friday September 29, @12:39AM EST (#1)

10 dollars for my vote is more than I've ever make by using it in an election. It's my vote, and I'll sell it if I want to!

It's amusing that those who crow the loudest about "liberty" are the most offended when they see it in action. If I cannot sell my vote, then, I do not truly HAVE it.

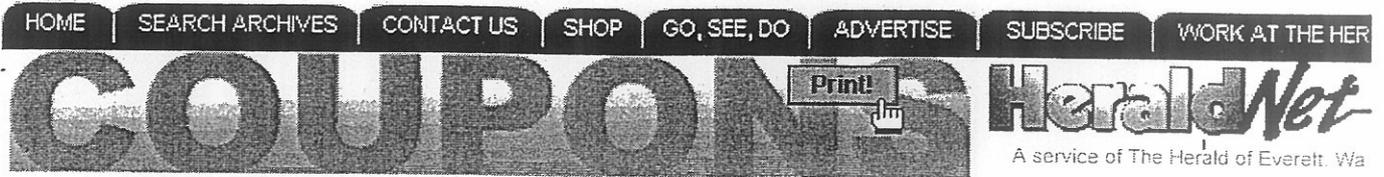
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He who slings mud generally loses ground. -- Adlai Stevenson

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Bid to sell votes on Web rankles officials

Published: Friday, August 18, 2000

By *SUSANNA RAY*
Herald Writer

Was someone really trying to sell the key to democracy -- the right to vote -- for 99 cents on the Internet or was it just a cynical political protest?

Snohomish County Auditor Bob Terwilliger doesn't care -- he doesn't think it's funny, and he's hoping to find and prosecute the would-be vote-sellers.

Terwilliger got a notice Thursday from the Secretary of State's office that two Washingtonians, including one from Marysville, had put their votes up for sale on eBay's popular auction Web site.

"During the upcoming election whoever wins this bid gets to specify what I will vote on election day," the Marysville resident wrote as the item description. "That's right democracy is in fact for sale!"

The \$5 asking price was apparently too high, however -- no bids were received.

But someone did offer 99 cents to the other seller, who didn't list a city but said he or she is from the Seattle/Tacoma region.

Selling your vote is a gross misdemeanor and can get you thrown in jail for up to a year or fined up to \$5,000, or both.

"This is a very serious violation, for the sanctity of the vote," Terwilliger said.

The Secretary of State's office contacted eBay, and by Thursday afternoon both auctions had been removed. The company also promised to screen for such listings in the future.

Terwilliger said he plans to turn the case over to the county prosecutor's office to pursue, but because of eBay's privacy stipulations, it may be difficult to find the culprits.

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The Marysville resident's listed e-mail address did not work, Terwilliger said, and officials have only been able to ascertain the other person's last name.

State officials were also concerned about another Web site, www.voteauction.com, which they discovered Thursday through an article in the on-line magazine Wired.com. The site offers votes for sale in every state.

"The election industry is spending hundreds of millions of dollars in an attempt to influence the presidential election," the site reads. "This system is an inefficient waste of money for the candidates and their supporters. Voteauction.com is comitted (sic) to improving this system by bringing the campaign contributors' money directly to the voters."

There were only a handful of participants listed on the site Thursday evening -- with no one from Washington -- but the price per vote in California was up to \$50.

"I think this is more of a political statement," state elections director Gary McIntosh said, "but there are other ways of making your political feelings known without breaking the law."

You can call Herald Writer Susanna Ray at 425-339-3439 or send e-mail to ray@heraldnet.com.

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Vote buying becomes more blatant

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By Kate Thompson, Journal staff writer | [E-mail](#)

Capitol correspondent

It's been more than 200 years since George Washington bought alcohol for virtually every voter in his district to win an election. That was clearly a blatant effort to influence the election.

The more things change, the more they remain the same.

They - whoever they are - say you can buy darn near anything. It would appear to be true. Under old-style politics, people were expected to vote for those who could get things done. But that didn't mean votes were for sale in a straight cash transaction.

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Political parties and candidates often help voters get to the election booth, either with rides or by helping insure that voters get absentee ballots and get those ballots turned in on time. It can make a difference in a close election. But those individuals aren't buying or selling votes.

Secret ballots pretty much prevent the ward boss or anyone else from finding out who someone voted for so there's really nothing that prevents someone from taking a ride from the Democrats and casting a ballot for Republicans.

Now there's a new twist.

Given the times, and the now pervasiveness of the Internet, I guess it was bound to happen online.

About a week ago, someone offered his vote to the highest bidder on eBay and five more people copied his proposal.

The good news is that eBay pulled those auctions after a day, but not until after bidding had reached \$100.

And, earlier in August there was a new web site [voteauction.com](#), launched by James Baumgartner, a graduate student, which is recruiting voters and auctioning off their ballots in state blocks. In just two days, more than 200 people registered with [voteauction.com](#), willing to offer their votes to the highest bidder. [Voteauction.com](#) has a slogan up on its site which says, "Bringing capitalism and democracy closer together."

I don't know how much closer together you could get them.

With the California block at \$100,

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Kate Thompson reports from the Iowa state capitol and beyond.

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OBITUARIES

SPORTS

voteauction.com apparently has quit. A statement on the site indicates the site is going through corporate restructuring and that it was illegal in New York.

That's not the only place it's illegal. It's bribery.

Buying and selling votes has been prohibited in every state and at the federal level. Selling or buying votes can be a federal crime, carrying a penalty of a fine of up to \$10,000 and up to five years in prison. That's nothing to sneeze at.

In Iowa, the crime and penalty are less. It's classified as a serious misdemeanor, according to the code, and the penalty is a fine of at least \$250 but not more than \$1,500 and the person convicted may be sentenced to up to a year in prison.

Nobody's been charged, either through eBay or voteauction.com, so far at least. Perhaps it was all a "joke."

The more cynical among us, of course, would suggest that there's not all that much difference between selling your vote for some specific number of dollars and what some lawmakers already do when they are raising money for their elections. With the high cost of getting elected, both at the federal and, increasingly, at the state level, some people would argue that there are a lot of elected officials whose votes are for sale.

It's just not usually quite so blatant.

We're getting closer to election time when The Sioux City Journal will be interviewing candidates particularly in legislative races that are contested. If you have questions you'd like answered or if there are issues you'd like to have candidates addressed, please let me know. I can be reached at the phone number and address below or by writing

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to me at The Sioux City Journal, P.O. Box 118, Sioux City, Iowa 51102.

Kate Thompson is The Sioux City Journal's political reporter. She can be reached at KateThompson@siouxcityjournal.com or by calling 712-293-4203.

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I know something
called Thirsty

AFFIDAVIT OF DANIEL DOYLE

I, DANIEL DOYLE, being duly sworn and upon oath, state as follows:

1. I am employed as Director of Registration Records for the Chicago Board of Election Commissioners, which is located at 69 West Washington Street, Chicago, Illinois.

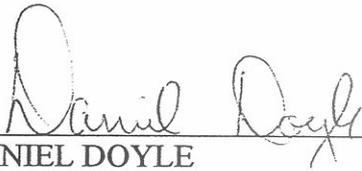
2. I have personal knowledge of the facts stated herein.

3. On October 27, 2000, at approximately the hour of 3:00 Central Daylight Savings Time, I searched on my computer and found an Internet web site known as "voteaction.com" at <http://www.vote-auction.com/>.

4. On that day and time I printed to the printer attached to my computer the pages of the voteauction.com web site as they appeared on my computer screen.

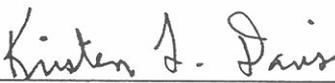
5. Attached to this affidavit is a true and correct copy of the pages that I printed as described above.

6. If sworn as a witness, I can testify competently and would testify as to the matters set forth herein.



DANIEL DOYLE

Signed and sworn to (or affirmed) before me by Daniel Doyle
this 27th day of October, 2000.



Notary Public

