



Democratic National Committee

MEMORANDUM

TO: Interested Parties

FROM: Phil McNamara, Director
Patrice Taylor, Deputy Director
DNC Office of Party Affairs and Delegate Selection

SUBJECT: Party Rule on Internet Voting

DATE: September 12, 2006

As part of the *Delegate Selection Rules for the 2008 Democratic National Convention* the Democratic National Committee (DNC) has adopted new provisions allowing the casting of ballots in the presidential nominating process over the Internet.

The attached fact sheet provides information on the Party's new rule governing Internet voting – Rule 2.G. of the *2008 Rules*. The fact sheet details the experience of the Michigan Democratic Party in allowing Internet voting as one of three methods of voting during its 2004 Party-run presidential primary. Furthermore, the fact sheet details the specific conditions under which Internet voting is permissible.

Rule 2.G. states:

- G. The casting of ballots over the Internet may be used as a method of voting in a vote only for presidential preference in a state party-run primary constituting the first determining stage in the presidential nominating process, and only if such casting of ballots over the Internet:
1. Is used in a system in which voters may cast their ballots in person on the day of such primary and by mail, and in which casting of ballots over the Internet is an alternate means of voting;
 2. Is accompanied by a comprehensive, proactive education and outreach program on the use of Internet voting that is set forth in the state's delegate selection plan and approved by the DNC Rules and Bylaws Committee;
 3. Is conducted in accordance with a plan approved by the DNC Rules and Bylaws Committee, that is included in the state's delegate selection plan, and that provides adequate measures to achieve security, reliability, access to eligible voters and transparency, including contractual and other safeguards to secure exclusive ownership and control by the state party of voting data;
 4. Is accomplished through a system which provides the voter with an opportunity to verify the voter's ballot and correct any error before the voter's vote is cast; which can be permanently maintained by the voter at the voter's option in paper,

electronic or other form; and which produces a paper record of the voter's vote that is preserved and maintained by the state party in the event of a manual audit, until the expiration of the time for filing an implementation challenge under these Rules.

For more information on the Party's rule on Internet voting, or the delegate selection process in general, please contact the DNC Office of Party Affairs and Delegate Selection at 202-863-8046.

2008 Delegate Selection Rules **Informational Fact Sheet on Internet Voting**

Introduction

On August 19, 2006, the Democratic National Committee adopted the *Delegate Selection Rules for the 2008 Democratic National Convention*. The *2008 Rules* govern the development and implementation of the delegate selection processes and plans by the 56 state and territorial Democratic Parties.

Over the years, the Party has attempted to make the presidential nominating process more fair and more representative. The changes reflected in the *2008 Rules* continue that effort and, we expect, will further improve the nominating process for both our candidates and our voters.

The *2008 Rules* contain many new provisions, one such rule allowing Internet voting under certain conditions.

As adopted, the rule specifies that Internet voting can only be used in a presidential preference vote conducted by a State Democratic Party. In no event can Internet voting be used in any primary conducted by a state government. Further, internet voting can only be offered to voters as a method of voting *in addition to* in-person voting and voting by mail program. In other words, EVERY voter has the choice to vote in person in a party-run process (which is almost always on a paper ballot) or through a mail ballot (always a paper ballot).

Under the rule, any State Democratic Party offering Internet voting must develop and implement a comprehensive outreach and education program to reach those who lack access to the Internet.

The rule further requires any State Party planning to offer Internet voting to develop a plan for security, reliability and transparency, and to have that plan reviewed and approved by the DNC Rules & Bylaws Committee before any Internet voting is implemented.

Finally, the rule requires that any Internet voting system allow the voter to print out a paper copy of his or her ballot and requires that the State Party be able to print out a paper copy of the ballot that can be compared to the voter's copy in a manual audit.

In promulgating this new rule, the DNC has codified its standards and guidelines it used in allowing Internet voting in the previous two presidential nominating cycles. During the 2000 cycle, the Arizona Democratic Party conducted an Internet only Party run primary. During the 2004 cycle, the Michigan Democratic Party used Internet voting as one of three methods of voting.

Michigan's 2004 Internet Voting

As part of its 2004 Delegate Selection Plan, the Michigan Democratic Party proposed to use Internet voting as one of three ways of voting in the State Party-run primary. It must be noted that at the time at which the Michigan Party submitted its proposed Delegate Selection Plan, the

Democratic Party had no formal rules on the permissibility of Internet voting. At that time the DNC Rules and Bylaws Committee (RBC) found Michigan's Delegate Selection Plan in full compliance with the Rules and consequently approved the Michigan's request to conduct Internet voting.

Following the RBC's approval, a challenge was filed against the use of Internet voting. The challenge alleged that Internet voting disadvantaged minority and low-income persons who lacked home access to the Internet. The challenge also alleged that Internet voting was not secure or reliable.

Ultimately, the RBC allowed Michigan to use Internet voting for the 2004 process upon completing a number of additional steps. These included the State Party opening an additional 126 in-person polling locations across the state, establishing a technical support line for assistance to Internet voters, and providing documentation that the Internet voting system technology to be utilized was state of the art to resist viruses and overall secure.

According to testimony by the Michigan State Party approximately 164,000 individuals participated in the state's February 7, 2004 State Party-run primary. Of those, approximately 93,000 voted in person on the day of the contest. A little over 46,000 voted over the Internet, representing about 28% of the votes cast. The remaining 24,000 (or 14%) vote were cast by mail.

Michigan conducted its Internet voting in combination with its extensive vote-by-mail program.

In order to vote-by-mail or over the Internet, participants had to submit an application. Individuals could complete an application by paper, by fax, or online. The application period was open for 30-days and approximately 123,000 submitted applications. As part of its voter verification process, the application required the voter's name, name, address, date and place of birth. Pending successful verification of this information against the state government voter file, voters were then mailed a vote-by-mail ballot. Of the 123,000 that applied to vote-by-mail or over the Internet, approximately 110,000 were qualified and sent vote-by-mail ballots.

This vote-by-mail ballot included specific detailed instructions to vote over the Internet. The vote-by-mail ballot also included a unique ID number that was generated at random and not in any way related to the voter's date of birth or driver's license number.

In order to vote online, approved applicants would then go to the website and enter four separate pieces of information in order to vote: name, unique ID number, date of birth, and place of birth. Following that, a voter could complete the online ballot. The system allowed the voter the ability to keep a record of their paper ballot by printing it. After voting the Internet voting system nullified the unique ID number so that number could not be used again.

To technologically conduct its Internet voting component, the Michigan Party hired Election Services Corporation, which had conducted nearly 50 Internet elections in the US and abroad.

In their testimony to the RBC, the State Party indicated a number of security measures it established. Vote-by-mail and Internet voters were restricted to registered voters to allow the State Party to properly qualify and verify those who applied. Non-registered voters had to go to a site and vote in person. The election site was monitored 24 hours a day by a live person who watched the activity on the site. There were hourly data backs and as a participant voted, the unique ID number was nullified preventing the individual from voting again. There was a mechanism that denied access to the online system if an individual attempted to enter the site a specific number of times in a certain period.

Among the feature of the State Party-run primary that most contributed to the security of the Internet voting system was the fact that the ballot used was an open ballot. The Michigan State Party-run primary does not use a secret ballot in any of its voting methods. This meant that John Doe's ballot could be easily traced back to John Doe.

Besides the initial challenge filled to the proposal to use Internet voting, there were no subsequent implementation challenges filed against the 2004 Michigan Party-run primary.

Rule 2.G. – Internet Voting

As part of adjudicating the 2003 challenge to Internet voting, the RBC resolved to consider the permissibility of Internet voting in 2008 nominating process as part of the Party's formal Delegate Selection Rules. And if it were to be permissible the specific conditions under which it could be allowed.

As part of drafting the *2008 Rules*, the RBC considered the permissibility of Internet voting at its July 2006 and August 2006 meetings.

Adopted as Rule 2.G. of the *2008 Rules*, Internet voting may only be used by a State Democratic Party conducting a State Party administered and financed primary. This provision was to ensure that the DNC through its relationship with State Democratic Parties could exercise greater control and oversight over Internet voting. Under this Rule, the DNC would not allow a State Democratic Party to participate in a state government administered and financed presidential preference primary that included Internet voting.

Internet voting in a State Party-run primary is further allowed under the following conditions:

- Internet voting must be used in conjunction with in-person polling locations on the day of the primary and a vote-by-mail primary. This was to ensure that Internet voting is not the sole method of voting, but rather one of three methods. This helps further insure that minority, low-income, and those who lack access are not disadvantaged by Internet voting. (Rule 2.G.1.)
- Internet voting must be accompanied by a comprehensive outreach program that educates voters about the availability of Internet voting. This plan must be set forth in the state's

delegate selection plan and must be approved by the RBC. Again this provision is designed to ensure that those who lack home access to the Internet are not disadvantaged. (Rule 2.G.2.)

- Internet voting must be contained in the state's delegate selection as specifically approved by the RBC. That plan must detail measures to adequately achieve security, reliability and transparency of Internet voting. Furthermore, the plan must include contractual safeguards that ensure exclusive State Party ownership of voting data. (Rule 2.G.3.)
- Internet voting systems must allow for voter verifiability before the vote is cast and allow the opportunity to make corrections before the vote is cast. Additionally, the Internet voting system must produce a record of that vote in the voter's choice by either paper, electronic or other form. Additionally the Internet voting system must produce a record of the voter's vote that can be preserved and maintained by the State Party in the event of a manual audit. (Rule 2.G.4.)