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December 8, 1999

Hon. Bill Lockyer  
Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, California 95814

Attention: Ms. Diane Calkins  
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative cited as "The California Internet Voting Initiative" (File No. SA 1999 RF 0054).

**Proposal**

This measure would establish systems for voter registration and voting by use of the Internet from the home, workplace, or any other location chosen by a person who is eligible to vote. Persons would be able to cast votes over the Internet in all elections for public office within California in addition to the traditional existing procedures for voter registration and voting.

Specifically, this initiative would authorize and require the Secretary of State to adopt regulations setting standards for use of the Internet for voter registration and voting. The regulations would pertain to system security and reliability, accessibility to all voters, ease of use by voters and elections officials, authentication of voters, confidentiality of votes cast, vote-counting procedures, and other specified matters. The Secretary of State would test and accredit the systems to ensure that they conform to the regulations and could collect fees to recover the costs of testing and accreditation.

The initiative specifies that all eligible voters may register to vote using the Internet. This measure further requires county elections officials to allow all eligible citizens within their jurisdictions to vote over the Internet in all public elections in California during periods when absentee voting is permitted and during the regular voting period on election day. Elections officials could accomplish this by using their own staff and equipment or by contracting with other parties.

Fraudulently registering to vote over the Internet or interfering with Internet voter registration or voting activity would be a crime punishable by a 16-month to three-year prison term or up to one year in jail, with an additional fine of up to \$10,000. Violators would be prohibited from using any electronic network while on parole. Fraudulent ballots cast using the Internet would be invalidated.

### **Fiscal Effect**

*Local Governments.* This measure would result in one-time costs to local governments, probably amounting to several tens of millions of dollars on a statewide basis, for the initial establishment of Internet voter registration and voting systems. Ongoing local government costs for the maintenance and operation of such systems, or for contracting for the provision of Internet voter registration and voting, would probably range from the millions of dollars to the low tens of millions of dollars annually on a statewide basis. Offsetting savings from further automation of voter registration and voting procedures would probably not be significant because existing traditional registration and election procedures would be continued.

*State Government.* The Secretary of State has estimated that the one-time costs to the state of developing standards, some of which would be technical and complex, for Internet voter registration and voting and implementing other provisions of this measure could be in the tens of millions of dollars. Information provided by the Secretary of State also indicates that the ongoing state costs to implement those regulations could reach several million dollars annually. These state costs could be partly offset to the extent that fees were charged to local governments or private vendors seeking accreditation of Internet election systems.

Sincerely,

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Elizabeth G. Hill  
Legislative Analyst

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B. Timothy Gage  
Director of Finance