

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI  
NINETEENTH JUDICIAL CIRCUIT

STATE OF MISSOURI, ex rel. )  
JEREMIAH W. (JAY) NIXON, )  
Attorney General, )  
 )  
Plaintiff, )  
 )  
 )  
vs. )  
 )  
LUZIUS BERNHARD )  
d/b/a VOTE-AUCTION.COM )  
Kurrentgasse 10/22 )  
Vienna, Austria A-1010, )  
 )  
Defendant. )

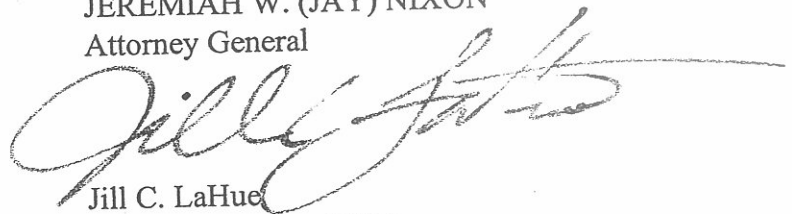
Case No. 00CV 325329  
Division No. I

VOLUNTARY DISMISSAL

COMES NOW Plaintiff, State of Missouri, by and through its Attorney General, Jeremiah W. (Jay) Nixon, and Assistant Attorney General Jill C. LaHue and, pursuant to Rule 67.02(a), voluntarily dismisses its Petition for Injunctive Relief, Civil Penalties, and Other Relief against Defendant Luzius Bernhard, d/b/a Vote-Auction.com, without prejudice to the reinstatement thereof.

Respectfully submitted,

JEREMIAH W. (JAY) NIXON  
Attorney General



Jill C. LaHue  
Missouri Bar No. 44092  
Assistant Attorney General

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI  
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STATE OF MISSOURI, ex rel.	)	
JEREMIAH W. (JAY) NIXON,	)	
Attorney General,	)	
	)	
Plaintiff,	)	Case No.
	)	
	)	Division No.
vs.	)	
HANS BERNHARD and	)	
LUZIUS BERNHARD	)	
Kurrentgasse 10/22	)	
Vienna, Austria A-1010,	)	
	)	
VIENNA BACKBONE SERVICE	)	
Landesgerichtsstrasse 18/3	)	
Vienna, Austria A-1010, and	)	
	)	
CORE INTERNET COUNCIL OF	)	
REGISTRARS	)	
World Trade Center 11 - 29	)	
Route de Pre-Bois	)	
Geneva, Switzerland CH-1215	)	
	)	
Defendants.	)	

**ORDER GRANTING TEMPORARY RESTRAINING ORDER**

Now on this 1 day of November, 2000, the above matter comes on for hearing on plaintiff's application for a temporary restraining order against defendants in the above matter. Plaintiff State of Missouri appears by Assistant Attorneys General Jill C. LaHue and Laura Krasser. Defendants appear by no appearance. The Court notes that, pursuant to Rule 92.92(a)(3), defendants were given the required 24 hours notice of plaintiff's intention to seek this temporary restraining order.

Chapter 407 of the Missouri Revised Statutes, otherwise known as the Missouri Merchandising Practices Act, authorizes the Attorney General, whenever it appears to him that a person "has engaged in, is engaging in or is about to engage in any method, act, use, practice, or solicitation . . . declared to be unlawful by this chapter, [to] seek and obtain, in an action in a circuit court, an injunction prohibiting such person from continuing such . . . acts . . . engaging therein or doing anything in furtherance thereof." § 407.100.1, RSMo 1994. Subsection 2 of this provision allows the Attorney General to seek a temporary restraining order in any action brought under the above section.

Because of the high public interest in preventing or stopping violations of Chapter 407, courts have correctly found that the Attorney General may be granted orders restraining such activity under § 407.100.1 without the necessity of proving all the elements required of private parties seeking such relief. This finding was first made not long after Chapter 407 was enacted in *State ex rel. Danforth v. Independence Dodge, Inc.*, 494 S.W.2d 362 (Mo. App. 1973). There the court said that the legislative intent behind Chapter 407 is to authorize such relief where a finding of violation is made, and without the need for a showing of a threat of irreparable harm or lack of an adequate remedy at law. *Id.* at 370.

In keeping with the above principle, other courts have found that the only prerequisite for injunctive relief under § 407.100 is the finding that a person has engaged in, is engaging in or is about to engage in any practice declared unlawful by Chapter 407. Once that finding has been made, irreparable harm to the public is presumed. *State ex rel.*

*Webster v. Milbourn*, 759 S.W.2d 862, 864 (Mo. App. 1988). The Missouri Supreme Court confirmed this approach when it held that an action for injunctive relief under Chapter 407 is a statutory action, not a traditional equitable proceeding, and therefore does not require a showing of inadequacy of legal remedies. *State ex rel. Nixon v. Telco Dir. Pub.*, 863 S.W.2d 596, 599 (Mo. banc 1993).

Section 407.020, RSMo 1994 provides that:

The act, use, or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in Section 407.453, in or from the State of Missouri, is declared to be an unlawful practice.

The Court concludes that plaintiff's verified petition states sufficient facts for the Court to find that defendants have been, and are currently, engaged in practices declared unlawful by Chapter 407, and that the granting of this temporary restraining order is proper. Specifically, the Court finds that before, during, after and in connection with the marketing, offering, advertising and/or selling of votes, in trade and commerce, in the State of Missouri, defendants have, in knowing concert with one another and others, engaged in the following conduct:

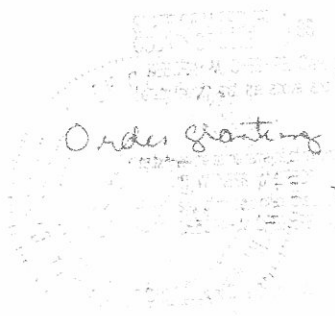
- a. misrepresenting, directly or by implication, through their website to Missouri consumers that the buying and selling of election votes is lawful, and;



that buying and selling votes in Missouri is illegal under Missouri law.

This temporary restraining order shall remain in effect until further order of the Court. Plaintiff's application for a preliminary injunction is set for hearing on November, 20<sup>th</sup>, 2000 at 1:00 in Division 1 of the Circuit Court of Cole County, Missouri, 301 E. High St., Jefferson City, Missouri 65101. IT IS SO ORDERED THIS 1 DAY OF November, 2000 AT 2:45.

  
Judge

  
Order granting Temporary Restraining Order  
November 2000  
Kendra Hunt

- b. omitting the material facts concerning the unlawfulness of the election activities promoted by "vote-auction.com."

The Court concludes that, examined in light of the letter and purpose of Missouri's consumer protection statutes and regulations, these facts show that defendants have engaged in deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of material facts, all declared to be unlawful under § 407.020, RSMo 1994, and that, pursuant to § 407.100, this temporary restraining order is authorized. ACCORDINGLY, IT IS HEREBY ORDERED THAT, pursuant to § 407.100.1, RSMo, 1994, defendants, their officers, directors, parent corporations, subsidiaries, d/b/a's, agents, employees, representatives, attorneys, assigns, and all those acting in concert with them or for them or on their behalf in whatever capacity, and having actual notice of this order by personal service or otherwise, are enjoined as follows:

- A. Defendants and all those acting in concert with them are enjoined and ordered to immediately cease and desist from representing on the vote-auction.com web site or any web site by any other name in any manner as a forum for conducting a vote "auction" that the buying and selling of votes of Missouri citizens is legal.
- B. Defendants and all those acting in concert with are ordered to disclose on the vote-auction.com web site or any web site by any other name in any manner as a forum for conducting a vote "auction"

Delivered-To: Hans@ubermorgen.com  
Date: Thu, 02 Nov 2000 14:42:50 -0600  
From: "Toni Pitts" <Toni.Pitts@mail.ago.state.mo.us>  
To: <Hans@ubermorgen.com>  
Subject: Please read

Notice: Attached are 5 pages of the Temporary Restraining Order signed on November 1, 2000, by the Cole County Circuit Court, State of Missouri. The State of Missouri's application for preliminary injunction is scheduled for hearing on November 20, 2000, at 1:00 p.m. (CST) in Division I of the Cole County Circuit Court, Jefferson City, Missouri, USA.

Attachment converted: berlin:TRO Vote Auction.pdf (PDF /CARO) (00017918)  
Attachment converted: berlin:TRO Vote Auction1.pdf (PDF /CARO) (00017919)  
Attachment converted: berlin:TRO Vote Auction2.pdf (PDF /CARO) (0001791A)  
Attachment converted: berlin:TRO Vote Auction3.pdf (PDF /CARO) (0001791B)  
Attachment converted: berlin:TRO Vote Auction4.pdf (PDF /CARO) (0001791C)

MISSOURI  
2/11/00

Delivered-To: Hans@ubermorgen.com  
Date: Tue, 31 Oct 2000 12:24:11 -0600  
From: "Toni Pitts" <Toni.Pitts@mail.ago.state.mo.us>  
To: <Hans@ubermorgen.com>  
Subject: Please read

NOTICE: You are hereby notified that the State of Missouri, United States of America, through its Attorney General will file a civil lawsuit against Hans Bernhard, Luzius Bernhard, Vienna Backbone Service, and Core Internet Registrars and request a temporary restraining and other relief alleging violations of the Merchandising Practices Act, Chapter 407 RSMo . The request will be made before the Cole County Circuit Court on November 1, 2000 at 2:30 p.m. (CST) or as soon thereafter as counsel may be heard. You or your attorney should seek out Linda Roark, Circuit Clerk of the Cole County Circuit Court concerning who would hear Plaintiff's request for a temporary restraining order.

Missouri  
31/10/00

P. O. Box 899  
Jefferson City, MO 65102  
573-751-3321

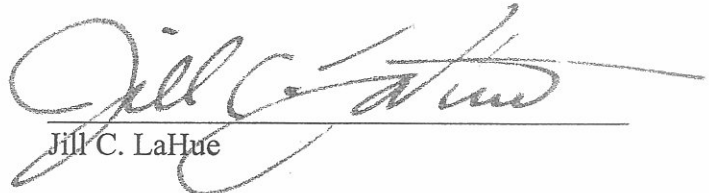
ATTORNEYS FOR PLAINTIFF

So ordered: \_\_\_\_\_

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were delivered by Federal Express, postage prepaid, this 16 day of January 2001 to:

Liz Haas  
Luzius Bernhard  
Ubermorgen.com  
Kurrentgasse 10/22  
Vienna, Austria A-1010

  
Jill C. LaHue

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI  
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STATE OF MISSOURI, ex rel. )  
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Respectfully submitted,

JEREMIAH W. (JAY) NIXON  
Attorney General



Jill C. LaHue  
Missouri Bar No. 44092  
Assistant Attorney General

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

STATE OF WISCONSIN  
Post Office Box 7857  
Madison, Wisconsin 53707-7857,

Plaintiff,

**00CV2925**

v.

Case No.  
Unclassified - Civil: 30703

LUZIUS BERNHARD  
Kurrentgasse 10-22  
Vienna, Austria 1010 AT  
d/b/a *vote-auction.com*,

SILVERSERVER  
Lorenz Mandlgasse 33/1  
Vienna, Austria A-1160,

and

CSL GmbH  
Rathausufer 16  
40213 Duesseldorf  
Germany  
d/b/a *joker.com*,

Defendants.

THIS IS AN AUTHENTICATED COPY OF THE  
ORIGINAL DOCUMENT FILED WITH THE DANE  
COUNTY CLERK OF CIRCUIT COURT

JUDITH A. COLEMAN  
CLERK OF CIRCUIT COURT

DANE COUNTY, WI

OCT 31 2 13 PM '00

CIRCUIT COURT

COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

The State of Wisconsin, by its attorneys, James E. Doyle, Attorney General, Assistant Attorney General Alan Kesner and Assistant Attorney General Barbara L. Oswald, brings this action against the defendants named herein and complains and alleges as follows:

**JURISDICTION**

1. This action is brought pursuant to Wis. Stat. § 823.02, to enjoin and restrain violations of Wis. Stat. §12.11(1m)(a)3.

## DEFENDANTS

2. Defendant Luzius A. Bernhard is a resident of Vienna, Austria, formerly residing in San Diego, California, doing business in Wisconsin and other states using the Internet domain name "*vote-auction.com*." According to the registry database for Internet domain names, accessible via the World Wide Web at <http://www.checkdomain.com>, Defendant Bernhard is the registered owner, as well as the Administrative Contact, Technical Contact, and Zone Contact for the Internet domain "*vote-auction.com*." A printed copy of the web page illustrating this information is attached as Exhibit "A" and is incorporated by reference.

3. Defendant SilverServer is a business entity physically located in Vienna, Austria, providing Internet access, World Wide Web domain hosting and numerous other related services allowing individuals and businesses to utilize the worldwide Internet. SilverServer uses various domain names for its own services, including "*sil.at*" and "*silverserver.co.at*."

4. Defendant CSL GmbH, d/b/a *joker.com* is a business entity physically located in Dusseldorf, Germany, operating as a domain registrar, providing Domain Name Registry services for the Internet to entities worldwide, as part of a consortium of registrars known as CORE – The Internet Council of Registrars ("CORE") according to the policies and under the auspices of the Internet Corporation for Assigned Names and Numbers ("ICANN").

5. Defendant Bernhard has utilized numerous individuals and entities in several states and in other countries in carrying out the plan or scheme described in this complaint. These individuals and corporate entities may be named as defendants herein when the nature and extent of their activities and culpability are determined.

6. Allegations in this complaint are made in good faith upon a belief that *vote-auction.com* is being operated by Defendant Bernhard as a sole proprietorship. Therefore,



"Bernhard" will be used to refer both to Defendant Bernhard personally as well as his business "vote-auction.com." When reference is made in this complaint to the statement, representation, act or practice of Bernhard, such allegation shall be assumed to mean that Defendant Bernhard, individually as part of his sole proprietorship, did or authorized such statement, representation, act or practice.

### NATURE OF DEFENDANTS' ACTIVITIES

7. Defendant Bernhard is advertising, promoting, offering and selling, on the global communications network known as the Internet, a service which purports to bring together "buyers" and "sellers" of votes in the upcoming Wisconsin general election scheduled to be conducted November 7, 2000, said activity being contrary to Wis. Stat. § 12.11(1m)(a)3. Defendant Bernhard is conducting this activity utilizing the Internet technology known as the World Wide Web. A copy of Defendant Bernhard's web pages advertising these services is attached at Exhibit "B" and incorporated herein by reference.

8. The World Wide Web is a series of documents stored on computers throughout the Internet containing information in various forms, including text, sounds, graphics and video. Defendant Bernhard's website on the World Wide Web can be found by consumers with Internet access by simply typing its "address" on the web: *www.vote-auction.com*. Wisconsin consumers can find Defendant Bernhard's website by using a "search engine" which is a computer program that assists Internet users in locating websites by searching for terms or phrases (such as "vote" and "sell") and displaying websites containing those terms or phrases. Consumers can then go to the websites displayed in the search results, including Defendant Bernhard's. Millions of Wisconsin residents have access to the Internet.

9. According to Defendant Bernhard's website, Wisconsin residents can offer to "sell" their votes or "bid" on the entire block of votes which have been "offered for sale" by this state's residents, through the website maintained by Defendant Bernhard on the World Wide Web.

10. According to Defendant Bernhard's website, *vote-auction.com* is an online market place for "sellers" to indicate that they will sell their votes to the highest bidder, and for corporate or individual "bidders" to offer money for all of the votes offered from a particular state, including Wisconsin. At the close of bidding, the winning bidder will purportedly be given contact information for the sellers, and must make arrangements directly with those persons for payment.

11. More specifically, Defendant Bernhard's website describes the scheme as follows:

[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 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.

(Ex. B at B-2 to B-3)

12. When a consumer accesses the *vote-auction.com* web site, he receives information on the screen of his computer from Defendant Bernhard alleging that campaign contributions given to candidates are an inefficient way of donating without being guaranteed that the donor will obtain the desired results, to wit: votes in favor of a particular candidate (Ex. B at B-2).

13. A consumer residing in Wisconsin is told:

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.

(Ex. B. at B-16)

14. Consumers are then asked for identifying information and demographic data. Consumers are promised that their identity will be maintained in secret by the operators of *vote-auction.com*.

15. When viewing the portion of the website aimed at "bidders" for blocks of votes, consumers in Wisconsin are told:

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.

(Ex. B. at B-22)

16. Bidders are then asked for specific identifying data and given a bidder number. They are also promised that the operators of *vote-auction.com* will not divulge their identity.

(Ex. B. at B-18)

17. Another portion of the site is dedicated to showing the current bids for votes in each of the fifty United States and the District of Columbia. Each state is marked with a number representing the number of electoral votes available from that state in the November 7, 2000, presidential election, followed by columns noting Number of *vote-auction.com* voters (who have offered their votes for sale in that state, Current Total Price for the block of votes from that state, Current Price per vote in that state, Current Leading Bidder (noted by bidder number). As of October 16, 2000, this page indicated that 438 Wisconsin votes had been offered for sale, that the current bid for these votes was \$4,600, which is \$10.14 per vote, and this bid was offered by bidder number 9701. A copy of said chart is attached as Ex. B. at B-24 to B-25.

**FIRST CAUSE OF ACTION  
(Public Nuisance - Bernhard)**

18. The scheme described is illegal under Wis. Stat. §12.11(1m)(a)3.

19. Defendant Bernhard has engaged as party to the crime in vote-selling and buying activity affecting the State of Wisconsin by aiding and abetting individuals who are:

- a. Offering their votes in the Wisconsin general election scheduled to be conducted November 7, 2000, for "sale" in violation of Wis. Stat. §12.11(1m)(a)3.
- b. Offering to "purchase" votes in the Wisconsin general election scheduled to be conducted on November 7, 2000, in violation of Wis. Stat. § 12.11(1m)(a)3.

20. Defendant Bernhard's open and continuous violation of Wisconsin's criminal laws constitutes a public nuisance under Wis. Stat. § 823.02.

21. Plaintiff is informed and believes that Defendant Bernhard will continue to engage in the aforementioned illegal activities unless enjoined therefrom.

**SECOND CAUSE OF ACTION**  
**(Public Nuisance – SilverServer and GLS GmbH)**

22. Plaintiff realleges and reincorporates by reference paragraphs one through eighteen herein with the same force and effect as if set forth in full.

23. In order to display a website on the World Wide Web, a party must often contract with an Internet Access Provider to host the “domain” and place the necessary documents on a “web server” which can make them available to users of the Internet worldwide. This provider must also put the domain name on a computer server known as a “domain name server” which points other users of the Internet to the location of the web pages constituting the website

24. Defendant SilverServer is the Internet Service Provider for *vote-auction.com*. Internet records related to the location of the *vote-auction.com* website point to the Domain name servers of SilverServer at *ns1.sil.at* and *ns2.sil.at*. (Ex. A.)

25. The hosting and access services provided by SilverServer to Defendant Bernhard are essential to the continued operation of *vote-auction.com*, and their termination would in no way affect the legal and legitimate services provided to its customers by SilverServer.

26. In order to obtain a domain name for a potential website, a customer such as Defendant Bernhard must contract with a “Domain Name Registrar” for a unique domain name, and provide that registrar with information about the domain name servers which will be used in order that other users of the Internet worldwide will be able to locate the website.

27. CSL GmbH, d/b/a *joker.com*, is the domain name registrar providing those services to Defendant Bernhard for *vote-auction.com*. These activities register and reserve the domain name “*vote-auction.com*” in databases on domain name servers connected to the Internet throughout the world. Essentially, CSL’s services, as provided through *joker.com*, indicate to computers throughout the Internet the identity of the specific domain name servers which point

Internet users' computers to the actual "web servers" where the materials constituting the *vote-auction.com* website can be found.

28. As a registrar of domain names, CSL is required by the rules of the Internet Corporation for Assigned Names and Numbers ("ICANN"), the governing body for domain name assignments on the Internet, to enter into an agreement with Defendant Bernhard, the purchaser of the domain name *vote-auction.com*, whose form is specified in the Uniform Domain Name Dispute Resolution Policy ("UDRP"). In agreeing to the UDRP, Defendant Bernhard would have been required to indicate affirmatively that he was "not registering the domain name for an unlawful purpose." UDRP Para. 2. In the same agreement (the UDRP) CSL would have been required to notify Defendant Bernhard that

"We will cancel, transfer or otherwise make changes to domain name registrations under the following circumstances: . . . b. our receipt of an order from a court or arbitral tribunal, in each case of competent jurisdiction, requiring such action"

UDRP para. 3.b. A copy of the UDRP, printed from the website of ICANN, is attached as (Ex. C.)

29. The hosting and access services provided by CSL GmbH to Defendant Bernhard are essential to the continued operation of *vote-auction.com*, and the termination of that service to Defendant Bernhard would in no way affect the legal and legitimate services provided to its customers by CSL GmbH.

30. The services provided to Defendant Bernhard by Defendants SilverServer and CSL GmbH contribute directly to Defendant Bernhard's open and continuous violation of Wisconsin's criminal laws as a public nuisance under Wis. Stat. § 823.02.

31. An order and judgment directing Defendants SilverServer and CSL GmbH to discontinue the provision of their services to Defendant Bernhard, his agents, employees,

representatives and all persons acting or claiming to be acting in his behalf, would be an effective method to abate the continuation of the public nuisance by Defendant Bernhard. Abatement of a public nuisance is a remedy specifically encouraged by Wis. Stat. §823.03.

#### DEMAND FOR RELIEF

WHEREFORE, plaintiff, State of Wisconsin, demands relief against defendants as follows:

1. Defendant Bernhard, d/b/a *vote-auction.com*, his agents, employees, representatives and all persons acting or claiming to be acting in his behalf, as well as any persons acting in concert with defendant Bernhard and having notice of said injunction, be permanently enjoined and restrained pursuant to Wis. Stat. §823.02, from conducting business operations in violation of Wis. Stat. §12.11(1m)(a)3. and 823.02.

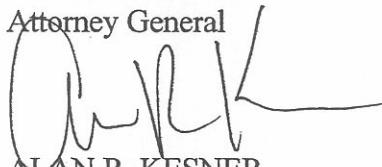
2. Defendants SilverServer and CSL GmbH, their agents, employees, representatives and all persons acting or claiming to be acting in their behalf be permanently enjoined and restrained from providing Internet access, domain hosting, domain name server services and

domain name registration as well as all other Internet related services necessary for the conduct of the aforementioned activities of Defendant Bernhard d/b/a *vote-auction.com*, including any successor entities which may be created to conduct similar unlawful activity.

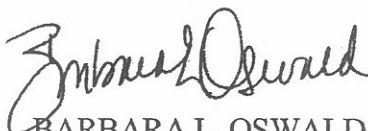
3. For plaintiff's costs and disbursements in prosecuting this action.
4. For such other relief as may be just and equitable.

Dated this 31<sup>st</sup> day of October, 2000.

JAMES E. DOYLE  
Attorney General



ALAN R. KESNER  
Assistant Attorney General  
State Bar # 01001216



BARBARA L. OSWALD  
Assistant Attorney General  
State Bar # 01021541

Attorneys for State of Wisconsin

Department of Justice  
Post Office Box 7857  
Madison, Wisconsin 53707  
(608) 267-2070  
(608) 266-3067



**To see who's visiting your web site**

**vote-auction.com (United States Commercial)**

**Owner:**

Luzius A. Bernhard

**Address:**

Kurrentgasse 10-22  
Vienna, Austria 1010 AT

**First Registered:**

October 18, 2000

**Last Updated:**

October 20, 2000

**Admin Contact, Technical Contact, Zone Contact:**

Luzius A. Bernhard (COCO-781664) [hans@ubermorgen.com](mailto:hans@ubermorgen.com)  
+43-676-9300061

**Name Servers:**

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

**Information Source:**

[Internet Council of Registrars](#)

Check this domain:

---

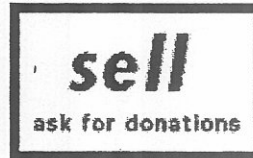
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Please direct any comments, questions, or problems to [info@checkdomain.com](mailto:info@checkdomain.com)

PENCAD-Byronne, N. J.

**PLAINTIFF'S  
EXHIBIT**

A



- [How it works](#)
- [Election History](#)
- [V.E.K.](#)
- [Legal Issues](#)
- [Message Board](#)
- [News & Press](#)
- [Contact](#)
- [Links](#)

**"Bringing Capitalism and Democracy Closer Together"**

**History**

[v]ote-auction.com is owned by an Austrian holding company that has invested in many of America's new, emerging industries. Like the Prison industry....

Take a closer look [here](#).

**Statistics**

Pollsters use them, politicians use them, liars use them, and now [v]ote-auction.com is using them too. Check out some interesting statistics on the type of person who registers with [voteauction.com](#).

Take a closer look [here](#).

**Voteauction Message Board**

Interact with other [voteauction.com](#) users and post your opinions about [voteauction.com](#), [vote-selling](#), [campaign investing](#), and [campaign finance](#).

Take a closer look [here](#).

**Press Release**

We have subject to diverse legal calamities during the last few weeks. We, however, feel the moral obligation to keep up our services to all our users....

Read our Press Release [here](#).

**Voter Empowerment Kit**

Are campaign dollars flowing as freely in your local election as they are in the Presidential election? Are your local candidates wasting campaign investors' money on advertising, instead of giving it to the people?...

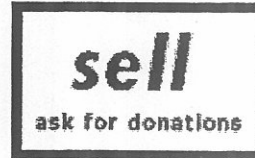
Take a closer look [here](#).

**"Political Site of the Day"**









[Voteauction.com](#) has been awarded "Political Site of the Day" for September 11, 2000

from [aboutpolitics.com](#)





**"Bringing Capitalism and Democracy Closer Together"**

-  [How it works](#)
-  [Election History](#)
-  [V.E.K.](#)
-  [Legal Issues](#)
-  [Message Board](#)
-  [News & Press](#)
-  [Contact](#)
-  [Links](#)

**History**

[v]ote-auction.com is owned by an Austrian holding company that has invested in many of America's new, emerging industries. Like the Prison industry....

Take a closer look [here](#).

**Statistics**

Pollsters use them, politicians use them, liars use them, and now [v]ote-auction.com is using them too. Check out some interesting statistics on the type of person who registers with voteauction.com.

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**Voteauction Message Board**

Interact with other voteauction.com users and post your opinions about voteauction.com, vote-selling, campaign investing, and campaign finance.

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**Press Release**

We have subject to diverse legal calamities during the last few weeks. We, however, feel the moral obligation to keep up our services to all our users....

Read our Press Release [here](#).

**Voter Empowerment Kit**

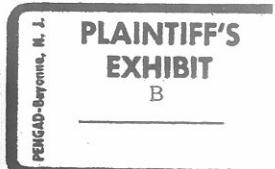
Are campaign dollars flowing as freely in your local election as they are in the Presidential election? Are your local candidates wasting campaign investors' money on advertising, instead of giving it to the people?...

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# [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

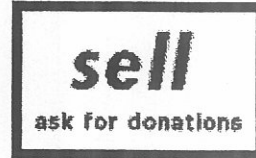
### The Voters:

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



-  [How it works](#)
-  [Election History](#)
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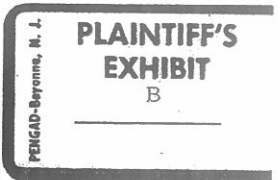
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## The way the Markets work



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**

## **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.

Paul Allen (co-founder of Microsoft) purchased the Seattle Seahawks in 1997. He then called for a referendum to ask for \$300 million in state money to build a new stadium. Instead of obtaining the thousands of required signatures necessary to put an issue on the ballot, he simply paid for the costs of the election. He then spends over \$4 million in advertising to convince the people of Washington to vote for the new stadium. The result: The Football/Soccer stadium is expected to be finished in 2002.



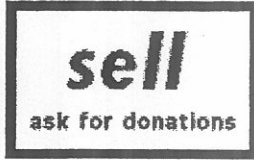
## Voter Empowerment Kit

- 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.
- What is the V.E.T.? Although the Presidential election is generating more wealth than any other election this year, it is not generating as much wealth per vote as many of the senatorial, congressional and other elections. The voter empowerment kit will allow you to access some of this additional wealth.
- What do I do with a V.E.T.? The kit includes a form letter that you can send to a local political candidate who is spending a great deal of money on this year's election. Or, you could send a letter to the candidate's financial supporters and let them know that they are wasting their money on political advertisements, that this money should go directly to the voters instead.
- Any copyrights? Feel free to use the [V]ote-auction.com logo on your own website. You can also take the [V]ote-auction.com logo and create your own promotional material. Unless otherwise noted, all files are microsoft word (.doc)

### Download Materials to cash in on your voting capital.

We ask for your understanding that we are currently in the process of redesigning or V.E.K. materials. Please come back soon to check for the new materials!

For information about avery label and business card templates, go to [www.avery.com](http://www.avery.com)



<u>How it works</u>	legal documents regarding "chicago board of elections"	
<u>Election History</u>	name of document	
<u>V.E.K.</u>	complaint against voteauction.com	<a href="#">take this link</a>
	memorandum of law	<a href="#">take this link</a>
	temporary restraining order	<a href="#">take this link</a>
<u>Legal Issues</u>	preliminary injunction order	<a href="#">take this link</a>

Message Board

News & Press

Contact

Links

[V]ote-auction.com Message Board

- [No New Yorkers](#) - posted by Bill on 10/30/2000 at 15:12
  - [Re: No New Yorkers](#) - posted by vote-auction on 10/31/2000 at 14:42
- [There is no popular vote for President.](#) - posted by ProVoter on 10/29/2000 at 22:58
  - [electors](#) - posted by greta on 10/29/2000 at 23:17
- [remote vote](#) - posted by hank on 10/29/2000 at 21:39
  - [greenboogie](#) - posted by gregload on 10/29/2000 at 21:49
- [trade vote](#) - posted by billseiman on 10/29/2000 at 16:17
  - [re. trade vote](#) - posted by josh\_k on 10/29/2000 at 20:09
- [I'd like to buy one vote?](#) - posted by Charbax on 10/29/2000 at 11:11
  - [Buy My Vote!](#) - posted by Valerie F. Solari on 10/29/2000 at 16:21
- [legal position](#) - posted by jen on 10/29/2000 at 02:38
  - [Chicago](#) - posted by VC on 10/30/2000 at 04:35
    - [interrresting](#) - posted by boner on 10/31/2000 at 14:48
- [Bayonets in the Sand](#) - posted by chevy59Tom on 10/29/2000 at 00:18
  - [Patton??](#) - posted by VC on 10/30/2000 at 04:54
- [corruption in the united states political processe.](#) - posted by shauna on 10/29/2000 at 02:36
- [money!](#) - posted by ernhardt jr. on 10/28/2000 at 22:31
  - [Re: money!](#) - posted by annie on 10/29/2000 at 00:11
- [meaningful for america](#) - posted by frank s. on 10/28/2000 at 22:17
  - [mucha](#) - posted by looser on 10/28/2000 at 22:18
    - [Re: mucha](#) - posted by greg on 10/29/2000 at 02:38
- [immoral!](#) - posted by funnyhead on 10/28/2000 at 22:05
  - [immoral?!](#) - posted by Charbax on 10/29/2000 at 11:17
  - [yipppie!](#) - posted by joe america on 10/28/2000 at 22:08
    - [langue](#) - posted by jane bergove on 10/28/2000 at 22:34
  - [betchya](#) - posted by harhar on 10/28/2000 at 22:06

Name:

Subject:

Message:

# [news & press]

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

## [V]ote-auction.com in the Press:

### [V]ote-auction.com in the American Press

CNN TV: > the realvideo stream "burden of proof" the transcript of "burden of proof" the programm it was on: "burden of proof" [special news-segment/report airing national and internationally 28.10-30.10.2000]

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 CNN.jp: ??????????????????????

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

associated press / news.yahoo.com: all articles on yahoo [approx 15 ap/yahoo articles in total]

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

USA Today: all articles on USA Today , Chicago acts to end online sales for votes, Votes Up For Auction Draw Official Inquiries ... [approx 12 articles in total]

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

Computerworld: Chicago board tries to close vote site

FSB business life: American Cynicism, 101

Auction watch: Straight Talk from Voteauction.com

Technodemocracy.org: VoteAuction.com & The Whack-A-Mole Defense

cluebot.com: Americans Sell Their Votes for \$10 Each

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) foxnews.com

APBnews.com: Officials Move to Shut Vote-Selling Web Site

The daily Gazette: Web site offering votes for sale draws concern

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

Associated Press: Web Sites Offer Votes For Sale

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

Eprairie.com: Chicago Board Vows Continued Legal Battle Against Vote Auction 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

NetworkWorldFusion: Is a vote-selling Web site parody or threat?

Thirsty: UPDATE: Voteauction.com up and running again

slashdot: from the retail-goods-at-wholesale-prices department

wetheliving.com: Sell your vote online

maxfreedom: Just how much is your 'priceless' vote really worth?

aboutpolitics.com: site of the day

### **[V]ote-aucton.com in the International Press**

Transfert: Voter, c'est facile et a peut rapporter gros ! ; Votes aux ench res : suite etÉ fin

Heise online: Chicago will Stimmenkauf per Internet stoppen

Telepolis/ixmagazin: Korruption bleibt Politikern vorbehalten, Anstatt Voteauction gibt es jetzt Vote-Auction.com , Auktionsplattform für Verkauf von Wahlstimmen unter Druck, Schock-Marketing aus dem Netz-Underground

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

transfert.net: Voteauction.com n'est plus. Vive vote-auction.com , Offensives judiciaires contre le vote aux ench?res , Chicago attaque le vote aux ench?res , Votes aux ench?res: les affaires reprennent , Votes

Denni zpravy z Internetu: Vsechno je prece na prodej, tak proc by ne volicske hlasy?

Spiegel Online: Behoerden stoppen Stimmenverkauf im Web

NET-BC: Ein Bindestrich rettet Voteauction.com, US-Wahlkampf: Demokratie jetzt online kšuflich?

dagensit: Vi funderar pî rsÿstauktioner i Europa

uk.news.yahoo: Vote-selling site to come to UK

uk.internet.com: Internet vote riggers target Europe

die krone: Wahlstimmen-Kauf online!

thail08.com: öçê€| à|â éi†ÈC|†?í

ZdNet.fr: PrZÿsidentielle amZÿricaineæ: votes ö vendre sur le web

Cnet Singapore: Vote auction Web site changes name

futurezone: WSÿhlerstimmen fÛr US-Wahlkampf versteigert

**various offline, radio and tv articles/broadcasts**

Chicago Sun-Times

Newsradio 551

Fuji TV: [Japan TV-Station]

KFYI [radio-station]

International Herald Tribune

KPIX, San Francisco

The Denver Post

CNET Radio: The Source for Live Technology

nbc.com

Metroland, Albany, NY: How Much Is That Voter In The Window?

The Independent

viva f.m, Caracol Colombia

ZDNet News

World Service radio

www.Accessmagazine.com

Reuters [Washington Bureau]

ARD Radio

Sunday Times, London

Sacramento News & Review

Inter@ctive Week

<http://www.voa.gov/election2000>

Carroll Today newspaper in Carroll, Iowa

Austrian private TV-channel ATV

undergroundshopper.com

"The Online Report" Dallas Fort Worth, Texas, Radio Show

The Salt Lake Tribune

primediamags.com

chicagotribune.com

WSPD-AM, Toledo, Ohio

WIBW-AM, Topeka

WSFA-TV

WEWS-TV Cleveland, Ohio

n-tv: [tv-report "tomorrow" aired 27-30.10](#) [no realstream yet available]

Rush Limbaud [syndicated radio show, nationwide US], [wpr.org](http://wpr.org) [wisconsin public radio]

Article printed in newspaper "NRC Handelsblad", The Netherlands, dated October 27, 2000

orf.at [austrian TV]

KPAM AM 860, Portland, Oregon

Missouri Digital News

WNYC Radio

Metro Santa Cruz newspaper

national radio news in Denmark

National Journal's Technology Daily

Folha de S. Paulo [Brazil's largest Newspaper]

Tokyo Broadcasting System's (TBS) LA Bureau

WGAR, Cleveland Ohio

KIMT-TV Mason City, Iowa

Houston Chronicle

KVMR-FM Radio

Daily Herald in Chicago

CBS 58 in Milwaukee

News Journal in Wilmington Delaware

Internet World magazine

TECHTV Cable Network

AuctionWatch.com

KFYI in Phoenix, Arizona

KURIER, Austrian Daily

German Public radio

metronetworks.com

WBEZ Chicago Public Radio

Chicago Tribune's Internet edition

CBS radio

ABC RADIO-Detroit, Michigan

WWMT-TV3

The American Prospect

News [weekly magazine Austria]

KQED, the NPR affiliate in San Francisco

Voice of America radio

demorgen.be [Belgian Newspaper]

Delo daily, Ljubljana, Slovenia

Channel 5 TV news in London

Upside Today

Morning Edition

Format [weekly magazine Austria]



Bureau of National Affairs, Inc.

dailyherald.com

KVMR-FM Radio

Internet World

de.internet.com

**[V]ote-auction.com on discussion boards**

Picnet: Selling Your Vote for Cash

FreeRepublic: Discussion of "Vote-Selling Website to be revived, possibly offshore"

apc.org: HOT SITES

slashdot.org: from the welcome-back-ms.-lee dept.

Chicago Board of Elections: the site

**[V]ote-auction.com related**

thecaperock.com [ebay vote auctions]: The Going Rate For A Presidential Vote? \$152 on eBay

Cnet Canada: eBay thwarts sale of presidential election votes

nationaudio: Vote buying: Evil we should root out

WashingtonPost.com: Conspire Under the Palms: A Scenario

ariannaonline.com: Media Grasping At Straws

Homeowner.com: RATS - The Election Is Coming

October 3, 2000: [V]ote-auction.com 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: [V]ote-auction.com re-launches with added features to better serve the user.

August 22, 2000: [V]ote-auction.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](mailto:pr@vote-auction.com)



# [ links ]

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

### 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" value="18"/>	*	Sex	<input type="text"/>
I describe myself as:	<input type="text" value="Asian/Pacific Islander"/>	*	Employment Status	<input type="text" value="Full-Time"/>
Occupation	<input type="text" value="Administrative/Clerical"/>	*	Highest Education Level	<input type="text" value="Some High School"/>
Household Income	<input type="text" value="Less than 15,000"/>	*	Political Affiliation	<input type="text" value="Communist"/>

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Save your values



**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"/>
How much did your business/organization spend in campaign contributions (hard and/or soft money) in the 1996 election cycle?	<input type="text"/>	*	Is your organization a tax-exempt, non-profit?	<input type="checkbox"/> yes

stration for Corporate Donators  
lease indicate why  
our  
usiness/organization  
s interested in  
onating funds:

Submit

**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"/>
How much did your business/organization spend in campaign contributions (hard and/or soft money) in the 1996 election cycle?	<input type="text"/>	*	Is your organization a tax-exempt, non-profit?	<input type="checkbox"/> yes



stration for Corporate Donators  
Please indicate why  
our  
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	<input type="text" value="AL"/> *
Zip Code	<input type="text"/>	*		
Email address	<input type="text"/>	*	Telephone	<input type="text"/>
Age (on November 7, 2000)	<input type="text" value="18"/>	*	Sex	<input type="text" value="-----"/> *
I describe myself as:	<input type="text" value="Asian/Pacific Islander"/>	*	Employment Status	<input type="text" value="Full-Time"/> *
Occupation	<input type="text" value="Administrative/Clerical"/>	*	Highest Education Level	<input type="text" value="Some High School"/> *
Household Income	<input type="text" value="Less than 15,000"/>	*	Political Affiliation	<input type="text" value="Communist"/>
Amount I spent in campaign contributions (soft and/or hard money) in the 1996 election cycle.	<input type="text"/>	*		

I am  
interested  
in  
donating  
funds  
because:

Submit

## 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

st updated 16 October, 2000



## Uniform Domain Name Dispute Resolution Policy

Policy Adopted: August 26, 1999  
Implementation Documents Approved: October 24, 1999

### Notes:

1. This policy is now in effect. See [www.icann.org/udrp/udrp-schedule.htm](http://www.icann.org/udrp/udrp-schedule.htm) for the implementation schedule.
2. This policy has been adopted by all accredited domain-name registrars for domain names ending in .com, .net, and .org. It has also been adopted by certain managers of country-code top-level domains (e.g., .nu, .tv, .ws).
3. The policy is between the registrar (or other registration authority in the case of a country-code top-level domain) and its customer (the domain-name holder or registrant). Thus, the policy uses "we" and "our" to refer to the registrar and it uses "you" and "your" to refer to the domain-name holder.

## Uniform Domain Name Dispute Resolution Policy

(As Approved by ICANN on October 24, 1999)

**1. Purpose.** This Uniform Domain Name Dispute Resolution Policy (the "Policy") has been adopted by the Internet Corporation for Assigned Names and Numbers ("ICANN"), is incorporated by reference into your Registration Agreement, and sets forth the terms and conditions in connection with a dispute between you and any party other than us (the registrar) over the registration and use of an Internet domain name registered by you. Proceedings under Paragraph 4 of this Policy will be conducted according to the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules of Procedure"), which are available at [www.icann.org/udrp/udrp-rules-24oct99.htm](http://www.icann.org/udrp/udrp-rules-24oct99.htm), and the selected administrative-dispute-resolution service provider's supplemental rules.

**2. Your Representations.** By applying to register a domain name, or by asking us to maintain or renew a domain name registration, you hereby represent and warrant to us that (a) the statements that you made in your Registration Agreement are complete and accurate; (b) to your knowledge, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party; (c) you are not registering the domain name for an unlawful purpose; and (d) you will not knowingly use the domain name in violation of any applicable laws or regulations. It is your responsibility to determine whether your domain name registration infringes or violates someone else's rights.

**3. Cancellations, Transfers, and Changes.** We will cancel, transfer or otherwise make changes to domain name registrations under the following circumstances:

- a. subject to the provisions of Paragraph 8, our receipt of written or appropriate electronic instructions from you or your authorized agent to take such action;
- b. our receipt of an order from a court or arbitral tribunal, in each case of competent jurisdiction, requiring such action; and/or



c. our receipt of a decision of an Administrative Panel requiring such action in any administrative proceeding to which you were a party and which was conducted under this Policy or a later version of this Policy adopted by ICANN. (See Paragraph 4(i) and (k) below.)

We may also cancel, transfer or otherwise make changes to a domain name registration in accordance with the terms of your Registration Agreement or other legal requirements.

#### **4. Mandatory Administrative Proceeding.**

This Paragraph sets forth the type of disputes for which you are required to submit to a mandatory administrative proceeding. These proceedings will be conducted before one of the administrative-dispute-resolution service providers listed at [www.icann.org/udrp/approved-providers.htm](http://www.icann.org/udrp/approved-providers.htm) (each, a "Provider").

**a. Applicable Disputes.** You are required to submit to a mandatory administrative proceeding in the event that a third party (a "complainant") asserts to the applicable Provider, in compliance with the Rules of Procedure, that

- (i) your domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) you have no rights or legitimate interests in respect of the domain name; and
- (iii) your domain name has been registered and is being used in bad faith.

In the administrative proceeding, the complainant must prove that each of these three elements are present.

**b. Evidence of Registration and Use in Bad Faith.** For the purposes of Paragraph 4(a) (iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
- (ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

**c. How to Demonstrate Your Rights to and Legitimate Interests in the Domain Name in Responding to a Complaint.** When you receive a complaint, you should refer to Paragraph 5 of the Rules of Procedure in determining how your response should be prepared. Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate your rights or legitimate interests to the domain name for purposes of



## Uniform Domain Name Dispute Resolution Policy

Policy Adopted: August 26, 1999  
Implementation Documents Approved: October 24, 1999

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### Notes:

1. This policy is now in effect. See [www.icann.org/udrp/udrp-schedule.htm](http://www.icann.org/udrp/udrp-schedule.htm) for the implementation schedule.
  2. This policy has been adopted by all accredited domain-name registrars for domain names ending in .com, .net, and .org. It has also been adopted by certain managers of country-code top-level domains (e.g., .nu, .tv, .ws).
  3. The policy is between the registrar (or other registration authority in the case of a country-code top-level domain) and its customer (the domain-name holder or registrant). Thus, the policy uses "we" and "our" to refer to the registrar and it uses "you" and "your" to refer to the domain-name holder.
- 

## Uniform Domain Name Dispute Resolution Policy

(As Approved by ICANN on October 24, 1999)

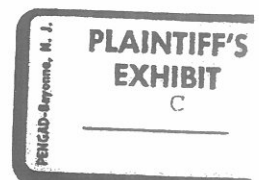
**1. Purpose.** This Uniform Domain Name Dispute Resolution Policy (the "Policy") has been adopted by the Internet Corporation for Assigned Names and Numbers ("ICANN"), is incorporated by reference into your Registration Agreement, and sets forth the terms and conditions in connection with a dispute between you and any party other than us (the registrar) over the registration and use of an Internet domain name registered by you. Proceedings under Paragraph 4 of this Policy will be conducted according to the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules of Procedure"), which are available at [www.icann.org/udrp/udrp-rules-24oct99.htm](http://www.icann.org/udrp/udrp-rules-24oct99.htm), and the selected administrative-dispute-resolution service provider's supplemental rules.

**2. Your Representations.** By applying to register a domain name, or by asking us to maintain or renew a domain name registration, you hereby represent and warrant to us that (a) the statements that you made in your Registration Agreement are complete and accurate; (b) to your knowledge, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party; (c) you are not registering the domain name for an unlawful purpose; and (d) you will not knowingly use the domain name in violation of any applicable laws or regulations. It is your responsibility to determine whether your domain name registration infringes or violates someone else's rights.

**3. Cancellations, Transfers, and Changes.** We will cancel, transfer or otherwise make changes to domain name registrations under the following circumstances:

a. subject to the provisions of Paragraph 8, our receipt of written or appropriate electronic instructions from you or your authorized agent to take such action;

b. our receipt of an order from a court or arbitral tribunal, in each case of competent jurisdiction, requiring such action; and/or





c. our receipt of a decision of an Administrative Panel requiring such action in any administrative proceeding to which you were a party and which was conducted under this Policy or a later version of this Policy adopted by ICANN. (See Paragraph 4(i) and (k) below.)

We may also cancel, transfer or otherwise make changes to a domain name registration in accordance with the terms of your Registration Agreement or other legal requirements.

#### **4. Mandatory Administrative Proceeding.**

This Paragraph sets forth the type of disputes for which you are required to submit to a mandatory administrative proceeding. These proceedings will be conducted before one of the administrative-dispute-resolution service providers listed at [www.icann.org/udrp/approved-providers.htm](http://www.icann.org/udrp/approved-providers.htm) (each, a "Provider").

**a. Applicable Disputes.** You are required to submit to a mandatory administrative proceeding in the event that a third party (a "complainant") asserts to the applicable Provider, in compliance with the Rules of Procedure, that

- (i) your domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) you have no rights or legitimate interests in respect of the domain name; and
- (iii) your domain name has been registered and is being used in bad faith.

In the administrative proceeding, the complainant must prove that each of these three elements are present.

**b. Evidence of Registration and Use in Bad Faith.** For the purposes of Paragraph 4(a) (iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
- (ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

**c. How to Demonstrate Your Rights to and Legitimate Interests in the Domain Name in Responding to a Complaint.** When you receive a complaint, you should refer to Paragraph 5 of the Rules of Procedure in determining how your response should be prepared. Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate your rights or legitimate interests to the domain name for purposes of

Paragraph 4(a)(ii):

(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

**d. Selection of Provider.** The complainant shall select the Provider from among those approved by ICANN by submitting the complaint to that Provider. The selected Provider will administer the proceeding, except in cases of consolidation as described in Paragraph 4(f).

**e. Initiation of Proceeding and Process and Appointment of Administrative Panel.** The Rules of Procedure state the process for initiating and conducting a proceeding and for appointing the panel that will decide the dispute (the "Administrative Panel").

**f. Consolidation.** In the event of multiple disputes between you and a complainant, either you or the complainant may petition to consolidate the disputes before a single Administrative Panel. This petition shall be made to the first Administrative Panel appointed to hear a pending dispute between the parties. This Administrative Panel may consolidate before it any or all such disputes in its sole discretion, provided that the disputes being consolidated are governed by this Policy or a later version of this Policy adopted by ICANN.

**g. Fees.** All fees charged by a Provider in connection with any dispute before an Administrative Panel pursuant to this Policy shall be paid by the complainant, except in cases where you elect to expand the Administrative Panel from one to three panelists as provided in Paragraph 5(b)(iv) of the Rules of Procedure, in which case all fees will be split evenly by you and the complainant.

**h. Our Involvement in Administrative Proceedings.** We do not, and will not, participate in the administration or conduct of any proceeding before an Administrative Panel. In addition, we will not be liable as a result of any decisions rendered by the Administrative Panel.

**i. Remedies.** The remedies available to a complainant pursuant to any proceeding before an Administrative Panel shall be limited to requiring the cancellation of your domain name or the transfer of your domain name registration to the complainant.

**j. Notification and Publication.** The Provider shall notify us of any decision made by an Administrative Panel with respect to a domain name you have registered with us. All decisions under this Policy will be published in full over the Internet, except when an Administrative Panel determines in an exceptional case to redact portions of its decision.

**k. Availability of Court Proceedings.** The mandatory administrative proceeding requirements set forth in Paragraph 4 shall not prevent either you or the complainant from submitting the dispute to a court of competent jurisdiction for independent resolution before such mandatory administrative proceeding is commenced or after such proceeding is concluded. If an Administrative Panel decides that your domain name registration should be canceled or transferred, we will wait ten (10) business days (as observed in the location of our principal office) after we are informed by the applicable Provider of the Administrative Panel's decision before implementing that decision. We will then implement the decision unless we have received from you during that ten (10) business day period official documentation (such as a copy of a complaint, file-stamped by the clerk of the court) that you have commenced a lawsuit against the complainant in a jurisdiction to which the complainant has submitted under Paragraph 3(b)(xiii) of the Rules of Procedure.

(In general, that jurisdiction is either the location of our principal office or of your address as shown in our Whois database. See Paragraphs 1 and 3(b)(xiii) of the Rules of Procedure for details.) If we receive such documentation within the ten (10) business day period, we will not implement the Administrative Panel's decision, and we will take no further action, until we receive (i) evidence satisfactory to us of a resolution between the parties; (ii) evidence satisfactory to us that your lawsuit has been dismissed or withdrawn; or (iii) a copy of an order from such court dismissing your lawsuit or ordering that you do not have the right to continue to use your domain name.

**5. All Other Disputes and Litigation.** All other disputes between you and any party other than us regarding your domain name registration that are not brought pursuant to the mandatory administrative proceeding provisions of Paragraph 4 shall be resolved between you and such other party through any court, arbitration or other proceeding that may be available.

**6. Our Involvement in Disputes.** We will not participate in any way in any dispute between you and any party other than us regarding the registration and use of your domain name. You shall not name us as a party or otherwise include us in any such proceeding. In the event that we are named as a party in any such proceeding, we reserve the right to raise any and all defenses deemed appropriate, and to take any other action necessary to defend ourselves.

**7. Maintaining the Status Quo.** We will not cancel, transfer, activate, deactivate, or otherwise change the status of any domain name registration under this Policy except as provided in Paragraph 3 above.

**8. Transfers During a Dispute.**

**a. Transfers of a Domain Name to a New Holder.** You may not transfer your domain name registration to another holder (i) during a pending administrative proceeding brought pursuant to Paragraph 4 or for a period of fifteen (15) business days (as observed in the location of our principal place of business) after such proceeding is concluded; or (ii) during a pending court proceeding or arbitration commenced regarding your domain name unless the party to whom the domain name registration is being transferred agrees, in writing, to be bound by the decision of the court or arbitrator. We reserve the right to cancel any transfer of a domain name registration to another holder that is made in violation of this subparagraph.

**b. Changing Registrars.** You may not transfer your domain name registration to another registrar during a pending administrative proceeding brought pursuant to Paragraph 4 or for a period of fifteen (15) business days (as observed in the location of our principal place of business) after such proceeding is concluded. You may transfer administration of your domain name registration to another registrar during a pending court action or arbitration, provided that the domain name you have registered with us shall continue to be subject to the proceedings commenced against you in accordance with the terms of this Policy. In the event that you transfer a domain name registration to us during the pendency of a court action or arbitration, such dispute shall remain subject to the domain name dispute policy of the registrar from which the domain name registration was transferred.

**9. Policy Modifications.** We reserve the right to modify this Policy at any time with the permission of ICANN. We will post our revised Policy at <URL> at least thirty (30) calendar days before it becomes effective. Unless this Policy has already been invoked by the submission of a complaint to a Provider, in which event the version of the Policy in effect at the time it was invoked will apply to you until the dispute is over, all such changes will be binding upon you with respect to any domain name registration dispute, whether the dispute arose before, on or after the effective date of our change. In the event that you object to a change in this Policy, your sole remedy is to cancel your domain name registration with us, provided that you will not be entitled to a refund of any fees you paid to us. The revised Policy will apply to you until you cancel your domain name registration.

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Comments concerning the layout, construction and functionality of this site should be sent to [webmaster@icann.org](mailto:webmaster@icann.org).

Page Updated 04-June-00

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Delivered-To: hans@ubermorgen.com  
From: "Kesner, Alan R." <kesnerar@DOJ.STATE.WI.US>  
To: "'hans@ubermorgen.com'" <hans@ubermorgen.com>,  
"oskar@silverserver.co.at" <oskar@silverserver.co.at>,  
"info@joker.com" <info@joker.com>  
Cc: "Oswald, Barbara L." <oswaldbl@DOJ.STATE.WI.US>, "Tinker, Steve E." <tinkerse@DOJ.STATE.WI.US>  
Subject: Lawsuit Filed Today  
Date: Tue, 31 Oct 2000 15:18:00 -0600

Wisconsin  
31/10/00

This message is intended to inform you that the Attorney General of Wisconsin filed a lawsuit today in State Court, Dane County, Wisconsin, seeking a restraining order and an injunction to halt any vote-selling or vote-buying facilitated by vote-auction.com.

The defendants named are Luzius A Bernhard, Silverserver and CSL GmbH. Silverserver and CSL GmbH are requested only to stop providing their services to Bernhard.

I have attached to this message copies of the following six documents, in MS Word 97 format:

- Summons
- Complaint
- Motion for Ex Parte Restraining Order
- Notice of Motion and Motion for Temporary Injunction
- Memorandum in Support of Motions
- Order (draft)

The judge assigned is Dane County Circuit Judge Sarah O'Brien. Because of scheduling difficulties, she has not yet had the opportunity to decide whether to sign the requested ex parte order, but intends to review the documents and determine whether to sign the order before tomorrow morning local time.

The case number is Dane County Circuit Court Case Number 00-CV-2925.

The case is titled State of Wisconsin v. Luzius A. Bernhard, Silverserver and CSL GmbH.

The court has scheduled a hearing on the request for a temporary injunction for Tuesday, November 7, 2000, at 9:00 am (US Central Daylight Time, UT -0600).

We intend to have authenticated copies of all of the filed documents forwarded to you via express courier tonight.

If you have questions or wish to respond to this e-mail, please copy Assistant Attorneys General Barbara Oswald and Steve Tinker (who are copied on this message so that you may have their e-mail addresses). I will be away from my office for approximately two days and may not be able to respond, but AAGs Oswald and Tinker will be available. Their contact information is also provided below.

-----  
Alan R. Kesner  
Assistant Attorney General  
Wisconsin Department of Justice Fax:  
123 West Washington Avenue  
P.O. Box 7857  
Madison, Wisconsin USA 53707

kesnerar@doj.state.wi.us  
Phone: (608) 267-2070  
(608) 267-2778

Barbara L. Oswald  
Assistant Attorney General  
Wisconsin Department of Justice Fax:  
123 West Washington Avenue  
P.O. Box 7857  
Madison, Wisconsin USA 53707

oswaldbl@doj.state.wi.us  
Phone: (608) 266-3067  
(608) 267-2778

Steven E. Tinker  
Assistant Attorney General  
Wisconsin Department of Justice Fax:  
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P.O. Box 7857  
Madison, Wisconsin USA 53707

tinkerse@doj.state.wi.us  
Phone: (608) 266-0764  
(608) 267-2778

- Attachment converted: berlin:Voteauction complaint.doc (WDBN/MSWD) (0001790C)
- Attachment converted: berlin:Summons.doc (WDBN/MSWD) (0001790D)
- Attachment converted: berlin:Order.doc 1 (WDBN/MSWD) (0001790E)
- Attachment converted: berlin:notice & motion.doc (WDBN/MSWD) (0001790F)

Attachment converted: berlin:Memorandum in Support of Motion (WDBN/MSWD) (00017910)  
Attachment converted: berlin:ex parte motion.doc (WDBN/MSWD) (00017911)







STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

Nov 29<sup>th</sup>

JAMES E. DOYLE  
ATTORNEY GENERAL

Burneatta L. Bridge  
Deputy Attorney General

123 West Washington Avenue  
P.O. Box 7857  
Madison, WI 53707-7857

Alan R. Kesner  
Assistant Attorney General  
kesnerar@doj.state.wi.us  
608/267-2070  
FAX 608/267-2778

November 7, 2000

Luzius A. Bernhard  
Kurrentgasse 10-22  
Vienna, Austria 1010 AT

Oskar Obereder  
SilverServer  
Lorenz Mandlgasse 33/1  
Vienna, Austria A-1160

David W. Maher  
Sonnenschein, Nath & Rosenthal  
233 South Wacker Drive, Ste. 8000  
Chicago, IL 60606

Re: State of Wisconsin v. Luzius A. Bernhard et al.  
Case No. 00-CV-2925

Dear Gentlemen:

Enclosed please find a copy of the Temporary Injunction issued by the court today in the above captioned case.

Thank you.

Sincerely,

Alan R. Kesner  
Assistant Attorney General

ARK:rg  
Enclosure

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

---

STATE OF WISCONSIN  
123 West Washington Avenue  
Post Office Box 7857  
Madison, Wisconsin 53707-7857,

Plaintiff,

v.

Case No. 00-CV-2925  
Unclassified - Civil: 30703

LUZIUS A. BERNHARD  
Kurrentgasse 10-22  
Vienna, Austria 1010 AT

and

SILVERSERVER  
Lorenz Mandlgasse 33/1  
Vienna, Austria A-1160

and

CSL GmbH  
Rathausufer 16  
40213 Duesseldorf  
Germany

Defendants.

---

TEMPORARY INJUNCTION

---

Based on the Motion For Temporary Injunctive Relief and supporting documentation filed by the State of Wisconsin, by its attorneys James E. Doyle, Attorney General, Alan R. Kesner and Barbara L. Oswald, Assistant Attorneys General,

IT IS HEREBY ORDERED THAT:

1. Defendant Bernhard, d/b/a *vote-auction.com*, his agents, employees, representatives and all persons acting or claiming to be acting in his behalf, as well as any persons



acting in concert with Defendant Bernhard and having notice of this injunction, shall cease and desist, and is hereby enjoined and restrained, pursuant to Wis. Stat. §823.02, from conducting business operations in violation of Wis. Stat. §§12.11(1m)(a)3. and 823.02 through the website <http://vote-auction.com> and any successor websites purporting to perform the same functions for [vote-auction.com](http://vote-auction.com) and located at other locations (U.R.L.'s) on the Internet, including but not limited to <http://62.116.31.68>, <http://vote-auction.net>, <http://www.voteauction.ru>, <http://www.voteauction.de>, and others.

2. Defendants SilverServer and CSL GmbH, their agents, employees, representatives and all persons acting or claiming to be acting in their behalf, are enjoined and restrained from providing Internet access, domain hosting, domain name server services and domain name registration as well as all other Internet related services necessary for the conduct of the aforementioned unlawful activities of Defendant Bernhard d/b/a *vote-auction.com*, including any successor entities or websites which may be created with intent to conduct similar unlawful activity targeted toward the State of Wisconsin.

Dated this 7<sup>th</sup> day of November, 2000.

BY THE COURT:



Honorable Sarah B. O'Brien  
Circuit Judge, Branch 16  
Dane County, Wisconsin

STATE OF WISCONSIN  
123 West Washington Avenue  
Post Office Box 7857  
Madison, Wisconsin 53707-7857,

Plaintiff,

v.

Case No.  
Unclassified - Civil: 30703

LUZIUS A. BERNHARD  
Kurrentgasse 10-22  
Vienna, Austria 1010 AT

and

SILVERS SERVER  
Lorenz Mandlgasse 33/1  
Vienna, Austria A-1160

and

CSL GmbH  
Rathausufer 16  
40213 Duesseldorf  
Germany

Defendants.

---

ORDER

---

Based on the Motion For *Ex Parte* Restraining Order and supporting documentation filed by the State of Wisconsin, by its attorneys James E. Doyle, Attorney General, Alan R. Kesner and Barbara L. Oswald, Assistant Attorneys General,

IT IS HEREBY ORDERED THAT:

1. Defendant Bernhard, d/b/a *vote-auction.com*, his agents, employees, representatives and all persons acting or claiming to be acting in his behalf, as well as any persons

acting in concert with Defendant Bernhard and having notice of said order, shall cease and desist, pursuant to Wis. Stat. §823.02, from conducting business operations in violation of Wis. Stat. §§12.11(1m)(a)3. and 823.02.

2. Defendants SilverServer and CSL GmbH, their agents, employees, representatives and all persons acting or claiming to be acting in their behalf, are restrained from providing Internet access, domain hosting, domain name server services and domain name registration as well as well as all other Internet related services necessary for the conduct of the aforementioned activities of Defendant Bernhard d/b/a *vote-auction.com*, including any successor entities which may be created to conduct similar unlawful activity.

3. That a hearing shell be scheduled on \_\_\_\_\_, at \_\_\_\_\_ o'clock at Dane County Circuit Court, Room \_\_\_\_\_, 210 Martin Luther King Jr.Blvd., Madison, Wisconsin to consider plaintiffs' request for temporary injunctive relief in this matter.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

BY THE COURT:

\_\_\_\_\_  
Honorable  
Circuit Court Judge  
Dane County

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT  
C.A. No. 00-4893G

---

COMMONWEALTH OF MASSACHUSETTS, BY  
AND THROUGH WILLIAM F. GALVIN,  
SECRETARY OF THE COMMONWEALTH  
Plaintiff

V.

HANS BERNHARD, LUZIUS A. BERNHARD,  
SILVERSERVER AND OSKAR OBEREDER,  
Defendants

---

**PRELIMINARY INJUNCTION**

Upon the application of the plaintiff Commonwealth of Massachusetts, and after notice and hearing, the Court finds, rules, and orders the following:

Defendants Hans Bernhard, Luzius A. Bernhard, Silverserver and Oskar Obereder, their respective agents, servants, employees, and attorneys, all persons in concert or participation with them, and all persons with notice of the Court's preliminary injunction, ARE HEREBY ENJOINED AND RESTRAINED from directly or indirectly

1. Using or operating any Internet Web site that solicits, aids or allows residents of Massachusetts to sell their votes to be cast at the November 7, 2000 General Election.
2. Using, operating, facilitating or accessing the domain name "Vote-Auction.com" or any domain name or Web site with the same purpose and goals.
3. Failing to remove such Web site from the Internet completely or, in the alternative, failing to modify the Internet Web site known as Vote-Auction.com or any domain name with the same purpose and goals so as to indicate that selling, buying or bidding on votes is not valid in the Commonwealth of Massachusetts.
4. Allowing or continuing registration of the Internet domain name "Vote-Auction.com" or any other domain name offering substantially the same service as Vote-Auction.com.

5. Using or operating in the Commonwealth of Massachusetts any Internet Web site by any name in any manner that would violate prohibitions in the laws of the Commonwealth of Massachusetts against the buying of votes in elections, including, but not limited to, violations of G.L.c. 56 §32 and G.L. 56 §25.

6. Accepting from residents of the Commonwealth of Massachusetts any registration or offer to sell votes or to buy votes at auction through Vote-Auction.com or any other Web site or domain name offering substantially the same services as Vote-Auction.com.

7. Failing to modify their Web site to indicate that all registrations or offers to sell votes and/or buy votes from Massachusetts residents will be denied.

8. Directly or indirectly paying, giving, or promising to a Massachusetts voter any gift or reward to influence his vote or to induce him to withhold his or her vote.

---

Justice of the Superior Court

Dated: \_\_\_\_\_

H:\DOCS\VOTEAU~1\PROPORDE.WPD



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT  
C.A. No. 00-4893G

---

COMMONWEALTH OF MASSACHUSETTS, BY  
AND THROUGH WILLIAM F. GALVIN,  
SECRETARY OF THE COMMONWEALTH

Plaintiff

V.

HANS BERNHARD, LUZIUS A. BERNHARD,  
SILVERSERVER AND OSKAR OBEREDER,

Defendants

---

**PRELIMINARY INJUNCTION** (Proposed Order)

Upon the application of the plaintiff Commonwealth of Massachusetts, and after notice and hearing, the Court finds, rules, and orders the following:

Defendants Hans Bernhard, Luzius A. Bernhard, Silverserver and Oskar Obereder, their respective agents, servants, employees, and attorneys, all persons in concert or participation with them, and all persons with notice of the Court's preliminary injunction, ARE HEREBY ENJOINED AND RESTRAINED from directly or indirectly

1. Using or operating any Internet Web site that solicits, aids or allows residents of Massachusetts to sell their votes to be cast at the November 7, 2000 General Election.
2. Using, operating, facilitating or accessing the domain name "Vote-Auction.com" or any domain name or Web site with the same purpose and goals, and to remove such Web site from the Internet completely.
3. Allowing or continuing registration of the Internet domain name "Vote-Auction.com" or any other domain name offering substantially the same service as Vote-Auction.com.
4. Using or operating in the Commonwealth of Massachusetts any Internet Web site by any name in any manner that would violate prohibitions in the laws of the Commonwealth of Massachusetts against the buying of votes in elections.

5. Accepting from residents of the Commonwealth of Massachusetts any registration or offer to sell votes or to buy votes at auction through Vote-Auction.com and to modify their Web site to indicate that all registrations or offers to sell votes and/or buy votes from Massachusetts residents will be denied.

---

Justice of the Superior Court

Dated: \_\_\_\_\_





COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT  
CIVIL ACTION NO.

COMMONWEALTH OF MASSACHUSETTS, BY  
AND THROUGH WILLIAM F. GALVIN,  
SECRETARY OF THE COMMONWEALTH,  
Plaintiffs,

00-4893

G

v.

HANS BERNHARD, LUZIUS A. BERNHARD,  
SILVERSERVER AND OSKAR OBEREDER,  
Defendants.

11/2/2000  
Ch

COMMONWEALTH'S MOTION FOR  
THE APPROVAL OF SERVICE BY  
FACSIMILE TRANSMISSION

(McDuff) H.H.  
K.H.  
Ch

The Commonwealth of Massachusetts requests that this Court enter an order allowing service of process by electronic mail for the following reasons:

1. Mass.R.Civ.P.4(e) provides for personal service outside of the Commonwealth when any statute or law of the Commonwealth authorizes such service.
2. Mass. Gen.L. c. 223A, §3(a) provides that a Massachusetts court may exercise personal jurisdiction over a person, who acts directly or by an agent, in a cause of action in law or equity arising from the person's transacting any business in this Commonwealth.
3. Mass.Gen.L. c. 223A §6 and Mass.R.Civ.P. 4(e)(4) allow for personal service outside the Commonwealth as directed by order of the court.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT  
CIVIL ACTION NO.

00-4893 *G*

COMMONWEALTH OF MASSACHUSETTS, BY  
AND THROUGH WILLIAM F. GALVIN,  
SECRETARY OF THE COMMONWEALTH,  
Plaintiffs,

v.

HANS BERNHARD, LUZIUS A. BERNHARD,  
SILVERSERVER AND OSKAR OBEREDER,  
Defendants.

COMMONWEALTH'S MOTION  
FOR THE APPROVAL OF A  
SPECIAL PROCESS SERVER

In accordance with Mass. R. Civ. P. 4(c), the Commonwealth of Massachusetts requests that this Court appoint Karen Ortolino, Chief Investigator, Office of the Attorney General, or her designees, as process server in the above-captioned action for the purpose of serving the summons, complaint, and other court orders and papers in this action.

Respectfully Submitted,  
COMMONWEALTH OF MASSACHUSETTS  
By its Attorney,

THOMAS F. REILLY  
ATTORNEY GENERAL

*M. A. Parsi*  
Maite A. Parsi BBO# 554009  
Assistant Attorney General  
200 Portland Street  
Boston, MA 02114  
(617) 727-2200  
maite.parsi@ago.state.ma.us

*11/3/2000*  
*all*  
*(m. J. ...)*  
*Att. (H. H. ...)*  
*Att. (H. H. ...)*

Date: 11/3/00

**PROOF OF SERVICE OF PROCESS**

I hereby certify and return that on \_\_\_\_\_, 200\_\_\_\_, I served a copy of the within summons and order of notice, together with a copy of the complaint in this action, upon the within-named defendant, in the following manner (See Mass. R. Civ. P. 4 (d) (1-5):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Dated: \_\_\_\_\_, 200\_\_\_\_.

**N.B. TO PROCESS SERVER:—  
PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN  
THIS BOX ON THE ORIGINAL, AND ON COPY SERVED ON DEFENDANT.**

\_\_\_\_\_, 200 .

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION

No. \_\_\_\_\_, Plff(s).

v.

\_\_\_\_\_, Deft(s).

SUMMONS  
(Mass. R. Civ. P. 4)  
AND  
ORDER OF NOTICE  
ON  
APPLICATION FOR PRELIMINARY  
INJUNCTION

SUFFOLK, ss.

# Commonwealth of Massachusetts



SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION

No. 00-4893 G

COMMONWEALTH OF MASSACHUSETTS, BY AND THROUGH Plaintiff(s)  
WILLIAM F. CALVIN, SECRETARY OF THE COMMONWEALTH

v.

HANS BERNHARD ET AL

Defendant(s)

## SUMMONS AND ORDER OF NOTICE

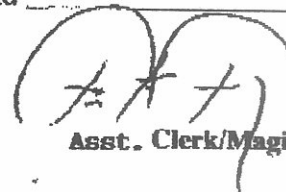
To the above-named DefendantS: **HANS BERNHARD, LUZIUS A. BERNHARD, SILVERSERVER and OSKAR OBEREDER**

You are hereby summoned and required to serve upon Maite A. Parsi Esq. plaintiff's attorney, whose address is 200 Portland St. Boston, MA 02114, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WE ALSO NOTIFY YOU that application has been made in said action, as appears in the complaint, ~~re: Prayer 1~~ re: Prayer 1 and that a hearing upon such application will be held at the court house at said Boston of our said court on Monday in room 3 12th Floor the sixth day of November A.D. 2000, at two o'clock ~~AM~~ PM, at which time you may appear and show cause why such application should not be granted.

Witness, Suzanne V. DelVecchio, Esquire, at Boston, the third day of November, in the year of our Lord two thousand

  
Asst. Clerk/Magistrate

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

incorporates them herein.

56. The Defendants, by and through Vote-Auction.com Web site, have solicited, aided and encouraged individuals and entities in the Commonwealth of Massachusetts to either show or provide their absentee ballots to the highest bidder.

57. The Defendants, by and through the Vote-Auction.com Web site, have solicited, aided and encouraged Massachusetts voters to show their votes to the highest bidder.

58. The Defendants have violated the provisions of M.G.L. 56 §25 which states in pertinent part that "[w]hocver, at a primary, caucus or election ....allows the marking of his ballot to be seen by any person for any purpose not authorized by law, or gives a false answer to or makes a false oath before a presiding officer, shall be punished by imprisonment for not more than six months or by a fine of not more than one hundred dollars."

59. Silverserver and its coordinator Oskar Obereder is also responsible for the violations of Massachusetts law in that they support and service Vote-Auction, with knowledge that their actions allow Vote-Auction and the Bernhard Defendants to solicit and aid voters to show their votes to the highest bidder.

60. This Court may enjoin such violations of law pursuant to M.G.L. c. 56 §59.

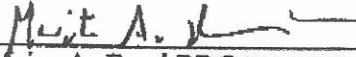
#### VI. RELIEF REQUESTED

WHEREFORE, the Commonwealth requests that this Court:

1. Enter a temporary restraining order enjoining and restraining the Defendants and all those acting in concert with them from:
  - A. Using or operating any Internet Web site that solicits, aids or allows residents of Massachusetts to sell their votes to be cast at the November 7, 2000 General Election.
  - B. Using, operating, facilitating or accessing domain name "Vote-Auction.com" and to remove such Web site from the Internet completely or, in the alternative, to modify the Internet Web site known as Vote-Auction.com or any domain name with the same purpose and goals so as to indicate that selling, buying or bidding on votes is not valid in the Commonwealth of Massachusetts.
  - C. Allowing or continuing registration of the Internet domain name "Vote-Auction.com" or any other domain name offering substantially the same service

Respectfully Submitted,  
COMMONWEALTH OF MASSACHUSETTS  
By its Attorney,

THOMAS F. REILLY  
ATTORNEY GENERAL

  
Maite A. Parsi BBO# 554009  
Assistant Attorney General  
200 Portland Street  
Boston, MA 02114  
(617) 727-2200  
maite.parsi@ago.state.ma.us

Date: 11/3/00

**VERIFICATION**

I, Michelle K. Tassinari, being duly sworn, depose and say that I am Legal Counsel to the Elections Division of the Secretary of the Commonwealth; that I have read the foregoing complaint and know its contents, and that the allegations set forth are true, except as to those allegations made upon information and belief, which are true to the best of my knowledge, information and belief.

  
Michelle K. Tassinari



Exhibits

- Exhibit A     Affidavit of Michelle Tassinari
- Exhibit 1 - Electronic mail message to [info@voteauction.com](mailto:info@voteauction.com)
- Exhibit 2 - Return Receipt for electronic mail in Exhibit A
- Exhibit 3 - Voteauction.com Web pages
- Exhibit B     Preliminary Injunction Order issued by the Circuit Court of Cook County, Illinois and posted on [V]ote-Auction.com at <http://63.86.111.157/preliminary%20injunction%20order.htm>
- Exhibit C     Affidavit of Maite A. Parsi
- Exhibit 1     Vote-Auction.com Web pages
- Exhibit D     Anderson, Mark K., "Austrian Takes Bids on U.S. Votes", 9/6/00, posted by Wired.com at <http://www.wired.com/news/politics/0,1283,38559,00.html>

A

## COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT  
CIVIL ACTION NO.

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COMMONWEALTH OF MASSACHUSETTS, BY  
AND THROUGH WILLIAM F. GALVIN,  
SECRETARY OF THE COMMONWEALTH

V.

HANS BERNHARD, LUZIUS A. BERNHARD,  
SILVERSERVER, AND OSKAR OBEREDER

---

Affidavit of Michelle K. Tassinari

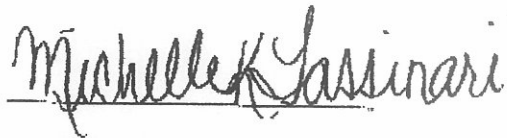
I, Michelle K. Tassinari hereby depose and say upon oath as follows:

1. I am Legal Counsel to the Elections Division for the Secretary of the Commonwealth and as such have personal knowledge of the matters set forth herein.
2. On October 18, 2000, I visited the website www.voteauction.com.
3. After reading the materials provided on the website, I wrote an e-mail on behalf of Secretary of the Commonwealth William F. Galvin to the site, indicating that the site appeared to violate state laws. The message was sent on October 18, 2000, at 4:55 p.m., to the e-mail address listed on the site— info@voteauction.com —and is attached hereto as Exhibit 1.
4. When sending the message, I set up a return receipt to acknowledge that the message had been received by info@voteauction.com. I received the return receipt on October 18, 2000, at 4:49 p.m., which acknowledged the successful delivery of the message. The return receipt message is attached hereto as Exhibit 2.

5. When sending the message, I also set up a read receipt to acknowledge that the message had been read by info@voteauction.com. I have never received the read receipt acknowledging that the message was read.

6. On October 19, 2000, I printed as much of the information contained on www.voteauction.com as possible. That information is attached hereto as Exhibit 3.

Signed under the pains and penalties of perjury this 2<sup>nd</sup> day of November, 2000.



Michelle K. Tassinari

**Tassinari, Michelle @ SEC**

**From:** Tassinari, Michelle @ SEC  
**Sent:** Wednesday, October 18, 2000 4:55 PM  
**To:** 'info@voteauction.com'  
**Subject:** Commonwealth of Massachusetts

**Importance:** High

October 18, 2000

Voteauction.com

To Whom It May Concern:

I am writing on behalf of William F. Galvin, Secretary of the Commonwealth of Massachusetts (Secretary). The Secretary is charged with the administration of state and federal elections for the Commonwealth of Massachusetts. After a review of your web-site, voteauction.com, and the materials contained thereon, it is the opinion of this office that the service you offer is in violation of Massachusetts state law.

As we understand your service, registered voters sign up to "sell" their vote. Voters from each state are then grouped together and the winning bidder for each state will be able to choose who the group will vote for *en masse*. Your web-site indicates that the starting bid for each state is \$100, with a minimum bid increase of \$50. While your site indicates that Voteauction.com will not directly receive any money to purchase votes, it will provide the winning bidder with the names and other identifying information gathered by your website in order to directly contact the voteauction.com voters in order to provide payment and direction as to whom to vote and voter verification of such vote.

Please be advised that the services you offer on your web-site appear to be in direct conflict with Massachusetts General Laws chapter 56, section 32, which states in pertinent part that "[n]o person shall, directly or indirectly, pay, give or promise to a voter, any gift or reward to influence his vote or to induce him to withhold his vote." M. G. L. c. 56, § 32 (1998 ed.). It appears that your web-site is, at the very least, indirectly promising voters a reward for voting a certain way. Also, it appears that the winning bidder will be violating the cited provision in that they will directly pay the voters to vote a certain way. Please note that the above provision is a criminal violation.

Accordingly, we request that you forthwith remove the Commonwealth of Massachusetts from your web-site as a participating state. Be further advised that this office has referred the matter to the Office of the Attorney General for Massachusetts for its review.

Very truly yours,  
Michelle K. Tassinari  
Legal Counsel  
Elections Division

EXHIBIT 1

1.

2.

**Tassinari, Michelle @ SEC**

From: Mail Delivery Subsystem [MAILER-DAEMON@sec.state.ma.us]  
 Sent: Wednesday, October 18, 2000 4:49 PM  
 To: Tassinari, Michelle @ SEC  
 Subject: Return receipt



ATT21545.TXT



ATT21548.TXT

The original message was received at Wed, 18 Oct 2000  
 16:49:01 -0400  
 from secmx.sec.state.ma.us [170.63.14.10]

----- The following addresses had successful delivery notifications

<info@voteauction.com> (relayed to non-DSN-aware mailer)

----- Transcript of session follows -----

<info@voteauction.com>... relayed; expect no further notifications

EXHIBIT 2



3.

Untitled Document

Page 1 of 1



EXHIBIT 3

Voteaction.com

Page 1 of 1

**sell**  
register to  
sell your vote

**bid**  
register to bid  
on a voting block

**check**  
the current price  
of a voting block

## **"Bringing Capitalism and Democracy Closer Together"**

Due to pending litigation in Illinois, Voteauction.com has suspended registration for residents of Illinois. We will keep you updated on the progress of pending legal action.

### **Statistics**

Pollsters use them, politicians use them, liars use them, and now voteauction.com is using them too. Check out some interesting statistics on the type of person who registers with voteauction.com.

[click here](#)

### **Voter Empowerment Kit**

Are campaign dollars flowing as freely in your local election as they are in the Presidential election? Are your local candidates wasting campaign investors' money on advertising, instead of giving it to the people? Currently, voteauction.com only has the resources to concentrate on the US presidential election. We hope to expand our enterprise into elections all over the world - wherever campaign contributors are using large sums of money to influence an election. Until that time, we hope that you will use our Voter Empowerment Kit to market your own vote to campaign investors in your area. The kit also includes ready-to-print bumperstickers, business cards, and link buttons. The empowerment kit is free of charge and free of copyright. Take a closer look [here](#).



Voteauction.com is awarded "Political Site of the Day" for September 11, 2000 from [aboutpolitics.com](http://aboutpolitics.com)

### **Voteauction Message Board**

Interact with other voteauction.com users and post your opinions about voteauction.com, vote-selling, campaign investing, and campaign finance.

Untitled Document

Page 2 of 2

**Voteauction.com is owned by an Austrian holding company that has invested in many of America's new, emerging industries. Like the Prison industry, the election industry is another excellent example of how privatization in America is creating great opportunities for investment. We purchased voteauction.com in order to investigate the profit-making potential of the American Election Industry.**

**Voteauction.com is not valid in New York State.**

## how it works

Voteauction.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.

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.

Voteauction.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.

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? Voteauction.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.

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. Voteauction.com allows campaign investors to get their dollar's worth by connecting them directly with the voters.

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

## Check the Bids

Page 1 of 2

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

## Current bids for the voting blocks:

State (# electoral votes)	Number of Voteauction.com voters	Current Total Price	Current Price per vote	Current Leading Bidder
<b>Totals</b>	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	---
Colorado (8)	162	\$2950	\$18.97	8301
Connecticut (8)	292	\$3100	\$15.12	8701
Delaware (3)	52	0	0	none
District of Columbia (3)	371	\$3400	\$10.59	5601
Florida (25)	540	\$9500	\$11.61	6301
Georgia (13)	231	\$1800	\$10.59	6215
Hawaii (4)	65	0	0	none
Idaho (4)	74	0	0	none
Illinois (22) *	1632	\$28500	\$12.38	---
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
Massachusetts (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

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. Voteauction.com will not receive any money from the auction. The winning bidder will have to contact the voteauction.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.

For this election, voteauction.com is concentrating on just the U.S. Presidential election. However, we feel that our bold new concept will revolutionize the election industry and we will soon be able to grow our business into every election market niche from Senatorial races to municipal water commissioner.



## Check the Bids

Page 2 of 2

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)	Not Valid in New York	-----	-----	-----
North Carolina (14)	422	\$4600	\$6.98	8015
North Dakota (3)	51	0	0	none
Ohio (21)	1344	\$19000	\$6.19	5801
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

\* bidding has been canceled in these states. The numbers shown here reflect the last active bid.

last updated 16 October, 2000

# FAX TRANSMISSION ATTORNEY GENERAL'S OFFICE

200 PORTLAND ST.  
BOSTON, MA 02114  
617-727-2200  
FAX: 617-727-3076

To: The Silver Server

Date: November 3, 2000

Fax #: ~~01-43-1-49-332-5611~~

Pages: 99 including this cover sheet.

From: <sup>011-43-1-4933429</sup>  
Maité Parsi, AAG

Subject: Vote-Auction.Com

COMMENTS:

*I will be sending 10 pages at a time*

\*\*\*\*\*CONFIDENTIALITY\*\*\*\*\*

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IF THERE ARE PROBLEMS RECEIVING THIS TRANSMISSION,  
PLEASE CONTACT THE SENDER AS SOON AS POSSIBLE.

## Register to Sell Your Vote

Page 1 of 2

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. Voteauction.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 voteauction 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" value="AL"/> *(not valid in NY, CA, IL)
Zip Code	<input type="text"/>	*		
Email address	<input type="text"/>	*		
Age (on November 7, 2000)	<input type="text" value="18"/>	*	Sex	<input type="text"/>
I describe myself as:	<input type="text" value="Asian/Pacific Islander"/>	*	Employment Status	<input type="text" value="Full-Time"/>
Occupation	<input type="text" value="Administrative/Clerical"/>	*	Highest Education Level	<input type="text" value="Some High School"/>
Household Income	<input type="text" value="Less than 15,000"/>	*	Political Affiliation	<input type="text" value="Communist"/>

**Register to Sell Your Vote**

I am  
selling  
my vote  
because:



Statistics, A look at the numbers that shape our world.

Voters registered with the site:

Gender	
Female	10%
Male	85%
Unspecified	5%

Race	
Asian/Pacific Islander	10%
Black/African American	6%
Native American	3%
Spanish/Hispanic/Latino	3%
White/Caucasian	78%

Political Affiliation	
Communist	9%
Democrat	18%
Green	4%
Independent	15%
Libertarian	4%
Reform	1%
Republican	18%
Socialist	2%
None	29%

statistics

037  
Page 2 of 3

Income Bracket	
Less than \$15,000	22%
\$15,000 - \$24,999	11%
\$25,000 - \$34,999	13%
\$35,000 - \$49,999	13%
\$50,000 - \$74,999	21%
\$75,000 - \$99,999	9%
Over \$100,000	11%

Education	
Some High School	13%
High School Graduate	11%
Some College	39%
College Graduate	26%
Graduate School	11%

Occupation	
Administrative/Clerical	14%
Attorney	1%
Doctor	1%
Educator	3%
Managerial/Executive	8%
Professional/Technical	34%
Sales	7%
Service Labor	2%
Skilled Labor/Construction	3%
Police/Armed Forces	1%
Other	26%

**statistics**

**Page 3 of 3**

# Voter Empowerment Kit

Page 1 of 1

## Voter Empowerment Kit

### Download Materials to cash in on your voting capital.

Voteauction.com only has the resources to concentrate on the United States Presidential election. Although the Presidential election is generating more wealth than any other election this year, it is not generating as much wealth per vote as many of the senatorial, congressional and other elections. The voter empowerment kit will allow you to access some of this additional wealth. The kit includes a form letter that you can send to a local political candidate who is spending a great deal of money on this year's election. Or, you could send a letter to the candidate's financial supporters and let them know that they are wasting their money on political advertisements, that this money should go directly to the voters instead. Feel free to use the voteauction.com logo on your own website. You can also take the voteauction.com logo and create your own promotional material. Unless otherwise noted, all files are microsoft word (.doc)

Form letter for candidates (20 Kb)

Form letter for campaign investors (20 Kb)

Voter Empowerment Kit flyer - includes both letters plus general information about voteauction.com (57 Kb)

Voteauction.com bumperstickers: 11.5" by 3" (1.6 Mb); 8.5" by 3.75" (1.8 Mb) [use full-sheet sticker paper]

Voteauction.com business cards (353 Kb) [use Avery business cards #5376 or similar]

Voteauction.com small stickers 1" by 4" (869 Kb) [Avery 5262 or similar]

Voteauction.com small stickers 1.33" by 4" (1.3 Mb) [Avery 5261 or similar]

Voteauction link button (png file - 117 Kb) (jpg file - 67 Kb)

Fonta Fonts for that voteauction.com look (zip file - 128 Kb)

**For information about avery label and business card templates, go to [www.avery.com](http://www.avery.com)**





**Form letter for candidates:**

Use this letter to let your local candidates know that they are wasting their money on advertising and need to give it straight to the voters.

Dear \_\_\_\_\_

I realize that in this election, every vote is very valuable and I appreciate that you are spending so much money trying to influence the minds of undecided voters like me. However, I am disappointed that you are wasting your valuable campaign war chest on political advertising. Political ads are an inefficient waste of money that insults the intelligence of the voter.

Since you are spending so much money on this year's election, why not give it straight to the voters instead? For a mere \$ \_\_\_\_\_, you can influence my vote directly and be assured of my support.

In 1976, the US Supreme Court equated spending money with free speech, so you can be assured that paying me for my support is protected by the constitution.

I look forward to doing business with you.

Sincerely,  
\_\_\_\_\_

**Form Letter for Campaign Contributors:**

Use this letter to let campaign contributors know that they should stop wasting their money on the candidates and just buy the voters instead.

Dear \_\_\_\_\_,

I noticed that you have contributed \$ \_\_\_\_\_ to the \_\_\_\_\_ election campaign (or \_\_\_\_\_ party, or \_\_\_\_\_ Political Action Committee). Did you realize that a political consultant will take 10-15% of your money before spending the rest on advertising? And even when that money is spent on advertising, who knows how effective that advertising will be? You should quit wasting money on this inefficient system.

Since you are spending so much money on this year's election, why not give it straight to the voters instead? For a mere \$ \_\_\_\_\_, you can influence my vote directly and be assured of my support for your candidate of choice.

In 1976, the US Supreme Court equated spending money with free speech, so you can be assured that paying me for my support is protected by the constitution.

I look forward to doing business with you.

Sincerely,

\_\_\_\_\_

**Voteauction in Action**

Page 1 of 1

Here is the schedule of the Voteauction Action Team (VAT):

08/01/00	VAT in Philadelphia for Republican National Convention. Voter Empowerment Kits are distributed near the Liberty Bell and the First Union Center.
09/15/00	VAT in New York. Voter Empowerment Kits are distributed at Columbia University, New York University.
09/18/00 - 09/22/00	VAT in the San Francisco Bay Area. Voter Empowerment Kits are distributed in the Haight-Ashbury District, Chinatown, North Beach, Telegraph Avenue (Berkeley), and on the steps of the State Capitol Building in Sacramento.
10/03/00	VAT in Boston, MA. Voter Empowerment Kits were distributed to demonstrators outside of the JFK Library, site of the first Presidential debates.

## **history** **of vote buying in America**

**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.

Paul Allen (co-founder of Microsoft) purchased the Seattle Seahawks in 1997. He then called for a referendum to ask for \$300 million in state money to build a new stadium. Instead of obtaining the thousands of required signatures necessary to put an issue on the ballot, he simply paid for the costs of the election. He then spends over \$4 million in advertising to convince the people of Washington to vote for the new stadium. The result: The Football/Soccer stadium is expected to be finished in 2002.



let us know if we missed any story or discussion board about voteauction.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 volicske 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: front the retail-goods-at-wholesale-prices department

Cnet Canada: eBay thwarts sale of presidential election votes

## News &amp; Press

Page 3 of 3

**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 voteaucton.com [info@votauction.com](mailto:info@votauction.com)



B

IN THE CIRCUIT COURT OF COOK COUNTY

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.

)

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PRELIMINARY INJUNCTION ORDER

## IN THE CIRCUIT COURT OF COOK COUNTY

Page 2 of 6

This matter coming before the Court upon Plaintiffs' Emergency Motion for a Temporary Restraining Order or Preliminary Injunction pursuant to Sections 2-701, 11-101 and 11-102 of the Code of Civil Procedure (735 ILCS 5/2-701, 5/11-101 and 5/11-102), seek declaratory judgment, injunctive and other relief against said Defendants either jointly, severally or in the alternative, and upon Plaintiffs' verified Complaint for Declaratory Judgment, Injunction and other relief filed against Defendants HANS BERNHARD, LUZIUS A. BERNHARD, OSKAR OBEREDER, CHRISTOPH JOHANNES MUTTER, JAMES BAUMGARTNER and DOMAIN BANK, INC., and the Court having reviewed and considered the allegations in the verified complaint and exhibits thereto, as well as evidence presented at the hearing on this Motion, and having heard and considered oral argument, the Court finds as follows:

1. This Court has subject matter jurisdiction over this action.
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 "votcauction.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 solicitation and other

Delivered-To: mailhans@ubermorgen.com  
Delivered-To: hans@ubermorgen.com  
X-Lotus-FromDomain: MASS\_AG  
From: Maite.Parsi@ago.state.ma.us  
To: hans@ubermorgen.com  
Date: Mon, 6 Nov 2000 17:09:06 -0500  
Subject: For Luzius Bernhard Court Order to Shut Down with Attachment -

Disregard prior message without attachment  
----- Forwarded by Maite Parsi/AGO/STATE/MASS/US on 11/06/2000  
04:57 PM -----

Maite Parsi  
11/06/2000 04:48 PM

To: pr@62.116.31.68  
cc:

Subject: Court Order to Shut Down with Attachment

The attachment did not go through with the first message. This is the second try. Please see below. (See attached file: Order.doc)  
----- Forwarded by Maite Parsi/AGO/STATE/MASS/US on 11/06/2000  
04:44 PM -----

Mass.  
6/11/00

Maite Parsi  
11/06/2000 04:46 PM

To: pr@62.116.31.68  
cc:

Subject: Court Order to Shut Down

To: Luzius Bernhard

Please note that the attached Order was executed by the Hon. Maria Lopez, Justice of the Superior Court in the Commonwealth of Massachusetts. It is saved in "Word" format.

The order states, in pertinent part that:

" the Court finds, rules, and orders the following:

Defendants Hans Bernhard, Luzius A. Bernhard, Silverserver and Oskar Obereeder, their respective agents, servants, employees, and attorneys, all persons in concert or participation with them, and all persons with notice of the Court

's preliminary injunction, ARE HEREBY ENJOINED AND RESTRAINED from directly or indirectly

1. Using or operating any Internet Web site that solicits, aids or allows residents of Massachusetts to sell their votes to be cast at the November 7, 2000 General Election.

2. Using, operating, facilitating or accessing the domain name "Vote-Auction.com" or any domain name or Web site with the same purpose and goals.

3. Failing to remove such Web site from the Internet completely or, in the alternative, failing to modify the Internet Web site known as Vote-Auction.com or any domain name with the same purpose and goals so as to indicate that selling, buying or bidding on votes is not valid in the Commonwealth of Massachusetts.

4. Allowing or continuing registration of the Internet domain name "Vote-Auction.com" or any other domain name offering substantially the same service as Vote-Auction.com.

5. Using or operating in the Commonwealth of Massachusetts any Internet Web site by any name in any manner that would violate prohibitions in the laws of the Commonwealth of Massachusetts against the buying of votes in elections, including, but not limited to, violations of G.L.c. 56 §32 and G.L. 56 §25.

6. Accepting from residents of the Commonwealth of Massachusetts any registration or offer to sell votes or to buy votes at auction through Vote-Auction.com or any other Web site or domain name offering substantially the same services as Vote-Auction.com.

7. Failing to modify their Web site to indicate that all registrations or offers to sell votes and/or buy votes from Massachusetts residents will be denied.

8. Directly or indirectly paying, giving, or promising to a Massachusetts voter any gift or reward to influence his vote or to induce him to withhold his or her vote."

This order became effective immediately.

Commonwealth of Massachusetts  
By its attorneys

Thomas F. Reilly, Attorney General

Maite A. Parsi, Assistant Attorney General

Content-type: application/msword;  
name="Order.doc"

Content-Disposition: attachment; filename="Order.doc"

Content-Description: Word 6.0 Windows/Mac

Attachment converted: berlin:Order.doc 3 (WDBN/MSWD) (00018AD7)