

US-WAHLKAMPF

**HANS BERNHARD: „Vote Auctions in Österreich sind kommerziell nicht interessant, politisch aber spannend!“**

ben sich mehr als 6.000 Wahlberechtigte für die Vote Auction registriert. Der Stimmenhändler nimmt an, daß sich die Zahl der Verkaufswilligen „mindestens verdreifacht“.

**B2B GOES B2C.** Moralische Einwände entlocken dem Endzwanziger nur ein müdes Lächeln. „Moral ist im amerikanischen Wahlkampf nicht relevant.“ Oder er hält sich an die Argumentation seines Vorgängers James Baumgartner: „Bush und Al Gore geben Milliardenbeträge für Wahlwerbung aus. Das Geld lukrieren sie dabei von Firmen, die sich wirtschaftliche Vorteile erwarten. Da ist es doch besser, das Geld gleich an die Wähler auszubezahlen.“ Bernhard will die Kommerzialisierung der Wahl, „die im Business-to-Business-Bereich schon lange stattgefunden hat, auf den Business-to-Consumer-Level transferieren“. Daß das offizielle Amerika damit nicht einverstanden ist, versteht sich. Sicherheitshalber haben Bernhard und sein anonymes Team alle Daten auf einem bulgarischen Server untergebracht.

**NÄCHSTES ZIEL: GROSSBRITANNIEN.** Da noch nicht festgelegt ist, wie Vote-Auction-Wähler ihre Wahlentscheidung auf unbürokratische Weise nachweisen sollen, betrachtet Bernhard die US-Präsidentenwahl nur als „großen Realtime-Test für zukünftige Projekte“. Sind operative Mängel einmal ausgemerzt, sollen die Wahlen in Großbritannien (2001) und Deutschland (2002) in Angriff genommen werden.

**NUR CLEVERES MARKETING?** Auch wenn zu den Kunden von Bernhards Consultingfirma ubermorgen.com Unternehmen wie Microsoft Deutschland gehören, hat der 1993 an der Gründung der Schweizer Künstlergruppe etoy.com beteiligte Wiener seine künstlerische Herangehensweise bis heute beibehalten. Die Vote Auctions berufen sich etwa auf die Vision einer „Corporate World“ des Science-fiction-Autors Neal Stephenson („Snow Crash“, 1992).

Mit Vorwürfen, daß es sich bei dem Projekt um reine PR für ubermorgen.com handeln könnte, hat Bernhard kein Problem. Eine beeindruckende Referenz für das von ihm auch auf Vorträgen in aller Welt propagierte „shock marketing“ sind die Vote Auctions zweifellos.

- THOMAS WEBER

# Kapitalismus und Demokratie

Der Fall des Österreicher Hans Bernhard gehört derzeit zu den Hot Files des amerikanischen FBI: Mitten im US-Wahlkampf begann er im Netz mit dem Handel von Wählerstimmen.

**M**itten in der heißen Endphase des US-Wahlkampfes darf sich Hans Bernhard in den USA über ein mediales Interesse freuen, das sonst nur Jörg Haider genießt. Nachrichtensender wie CNN, NBC und international einflußreiche Zeitungen wie die „Washington Post“ oder das Magazin „Wired“ widmeten dem Österreicher in den letzten Wochen größere Storys. In einem vom California Secretary of State eigens veröffentlichten Erlaß kündigte der kalifornische Gouverneur Ende August gar „absolute zero tolerance“, also null Toleranz für Bernhards Vorgehen an.

Dabei würden den unverfänglichen, auf seiner Website verkündeten Slogan „Bringing Capitalism and Democracy Closer Together“ wahrscheinlich sowohl George W.

Bush jr. als auch sein demokratischer Kontrahent Al Gore blind unterschreiben.

Auf einer Site wie [www.voteauction.com](http://www.voteauction.com) ist der sonst so nichtssagende Vorsatz allerdings blanker Zynismus. Schließlich betreibt Bernhard auf der kürzlich vom US-Studenten James Baumgartner gekauften Plattform eine virtuelle Stimmenbörse. Der Wiener will die ursprünglich als politisches Statement gedachten Vote Auctions jetzt kommerziell nutzen. Drei Wochen lang haben unentschlossene US-Bürger noch die Möglichkeit, sich online in die Stimmdatenbank einzutragen und so ihre Stimme zu Cash zu machen. Nach Bundesstaaten aufgeteilt werden die Stimmenpackages dann den Interessenten – Bernhard setzt auf Lobbyisten und reiche Privatpersonen als Käufer – angeboten. Derzeit ha-

**WWW.VOTEAUCTION.COM: Bereits sechstausend wahlberechtigte US-Bürger offerieren hier ihre Stimme für die bevorstehende Präsidentschaftswahl. Das California Secretary of State ([www.ss.ca.gov](http://www.ss.ca.gov)) kündigt „absolute zero tolerance“ an und droht bei (Online-)Stimmenkäufen mit langen Haftstrafen.**

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

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

FOR IMMEDIATE RELEASE  
Tuesday, August 27, 2000

County: Shasta  
Attn: Clerk

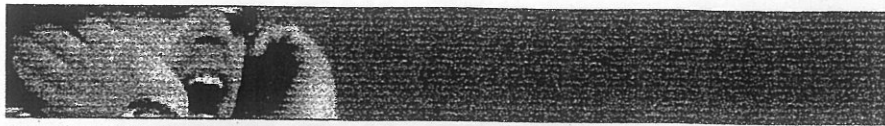
**Jones Issues Warning Against On-Line Vote Buying Schemes**

SACRAMENTO — Secretary of State Bill Jones today issued the following statement regarding voter status abuse on the web: “Any individual who attempts to buy or sell votes, whether through an Internet website site or personal communication, is guilty of a felony and will be prosecuted to the fullest extent of the law.”

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

Subjected by any officer involved in its voter activities should contact the

888.777.76.69



NETZWELT

Übersicht Netzpolitik Technologie Netzkultur

24. August 2001

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Übersicht (Flash / HTML) Kandidaten Wahlergebnis

US-WAHLKAMPF

## Behörden stoppen Stimmenverkauf im Web

Von Konrad Lischka

**Der US-Wahlkampf ist teuer und bringt im Musterland des Kapitalismus erstaunliche Geschäftsmodelle auf den Plan. Die Versteigerung von Wahlstimmen im Internet wurde von den Behörden nun verboten.**

Am 16. August bemerkte ein Kunde des Auktionshauses eBay das Angebot "Vote of one US-Citizen". 20 Gebote gab es schon, das höchste lag laut eBay bei 10.000 Dollar. Insgesamt gab es bei eBay sechs Stimmen für zusammen 10.100 Dollar. Von ihnen kam ein Anbieter nur auf einen Dollar, ein anderer auf 99 Cents. Diese Preise könnten sich Bush und Gore mit ihrem Budget sogar leisten, sie würde sich sogar ein Drittel der Ausgaben sparen.

So einfach ist es aber nicht. Stimmenverkauf verstößt in den USA sowohl gegen Bundesgesetze als auch gegen die der einzelnen Staaten. Deswegen sperrte eBay nach einer Intervention des US-Justizministeriums die Auktionen am 18. August. Ebenso Yahoo!, auf dessen US-Seiten ebenfalls Stimmen gehandelt wurden. Anfang dieser Woche löschte dann die Seite voteauction.com ihre Inhalte.

Die Behörden hatten mit rechtlichen Schritten gedroht. Seit Anfang August hatte hier der New Yorker Student James Baumgarten seine Geschäftsidee präsentiert: Unentschlossene Wähler sollten sich nach Bundesstaaten zusammenschließen und ihre Stimmen als Gruppe versteigern. Bevor die Seite geschlossen wurde, lagen die Gebote für New York und Kalifornien schon bei 100 Dollar, 200 Wähler hatten Baumgarten per E-Mail ihre Stimmen angeboten. Das Geld sollte am Ende unter den Beteiligten aufgeteilt werden.



Leider regnet es keine  
Geldscheine im US-Wahlkampf  
...

"Schwer wiegende Konsequenzen" könne dies haben, drohte Doug Kellner vom zuständigen New Yorker Wahlausschuss. "Es sollte bekannt werden, dass das öffentliche Anbieten seiner Stimme selbst aus Spaß eine ernste Angelegenheit ist."

Baumgarten hingegen glaubt, dass hier eine Schimäre verteidigt wird: "Die Wahlkampfindustrie zahlt Hunderte von Millionen für den Versuch, die Präsidentschaftswahlen zu beeinflussen. Das ist doch ineffiziente

Geldverschwendung. Wir verbessern das System, indem wir das Geld direkt zu den Wählern bringen."



Netzpolitik ▶▶

- Gegen den Trend: Gläserner Staat statt gläserner Bürger
- Harte Hand: Ministerium verbietet Porno-Website
- www.polizeibrandenburg.de: Kritiker müssen umstrittene Domain abgeben
- Betrug: Mutter der "Internet-Zwillinge" zu drei Jahren Haft verurteilt

Technologie ▶▶

- DSL-Preise: Es geht aufwärts
- PC-Steuererklärung: Kontrolle ist besser
- Gerüchteküche: Apple knabbert am Gigahertz
- Überraschungdeal: KaZaA verkauft sich selbst

Netzkultur ▶▶



## Teuer ist das Ganze ohnehin

Sheila Krumholz von der Initiative Center for Responsive Politics sieht die Aktion als Ausdruck der Frustration: "Sachentscheidungen und Wahlen werden durch Geld bestimmt oder zumindest beeinflusst. Jeder weiß, dass Geld einen unleugbaren Einfluss auf das heutige System hat." Der darf aber nicht zu offensichtlich sein.

146 Millionen Dollar werden George W. Bush und Al Gore beim Präsidentschaftswahlkampf ausgeben, schätzt die "Washington Post". Etwa einen halben Dollar pro US-Bürger. Oder anderthalb Dollar für jeden der vermuteten 100 Millionen Nichtwähler.



... aber hinter der Kulissen werden alle verfügbaren Geldquellen mobilisiert, um das Spektakel zu finanzieren

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- Enigma-Historie: Schießende Mathematiker und unschwule Helden
- Copyleft und Open Source, Teil 2: Lob statt Gehalt?

## Alkohol statt Cash

George Washington sah den Stimmenkauf 1757 bei seinem Wahlkampf um einen Sitz im Abgeordnetenhaus Virginias ganz pragmatisch. 391 Wähler gab es in seinem Bezirk. Der spätere Präsident soll der Legende nach jedem von ihnen gut anderthalb Liter Rum, Wein, Bier und Apfelwein spendiert haben.

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## US-Wahlkampf: Demokratie jetzt online käuflich?



Europa schlägt zurück. Genau genommen Österreich. Ein umtriebiger Alpenländer erteilt Amerika eine Lektion in Sachen Kapitalismus und Internet und trifft das Land mitten im US-Wahlkampf. Er versteigert auf Voteauction.com Wählerstimmen und erntet wütende Proteste. Ein Blick hinter die Kulissen von Voteauction fördert Überraschendes zu Tage. Was Amerika empört, ist für Hans Bernhard (Foto), den Betreiber der Plattform, nur ein Venture-Testlauf.

Was als Abschlussarbeit eines New Yorker Studenten begann, wird jetzt von einem Österreicher auf die politisch inkorrekte Spitze getrieben. Auf Voteauction.com können unentschlossene Wähler oder Nichtwähler ihre Stimme zur Wahl des Präsidenten verkaufen. Nach Bundesstaaten aufgeteilt, sollen die Wähler ihr Votum als Paket an den Meistbietenden versteigern.

Wie auf der Webseite nachzulesen ist, sind momentan 5498 Stimmen zu einem Gegenwert von 75 200 Dollar zu haben. Besonders politikverdrossen scheinen die Kalifornier zu sein: Mit 810 Stimmen, die zu einem Einzelpreis von 23,95 Dollar und einem Paketpreis von 19 400 Dollar gehandelt werden, führen sie die Liste an.

### Empörung in den Top-US-Medien

Selbst dem US-Magazin Wired, sonst eher für ironisch-aufgeschlossenen Stil bekannt, geht das Geschäft mit den Wählerstimmen zu weit. Merklich kühl heißt es da, dass Voteauction Wahlbetrug ermögliche, so als ginge es um eine x-beliebige Auktion bei eBay. Nachdem Wired Ende August erstmals über die Internetseite berichtet hatte, folgte intensives Medieninteresse. Washington Post, CNN, ABC News und NY1 News berichteten.

Ausführlich wurde nach Ursachen und Konsequenzen geforscht. Experten wurden befragt, die Politikverdrossenheit, Korruptionsvorwürfe und das amerikanische System der Wahlkampf-Finanzierung für den Verfall des hohen Gutes "Wählerstimme" verantwortlich machten. Die Publicity brachte Voteauction in zwei Tagen 80 000 Hits und 200 registrierte Stimmenverkäufer.

### Feindliche Übernahme

Nachdem der Erfinder von Voteauction, der Student James Baumgarten, die Webseite vom Netz nehmen musste, weil der Stimmenhandel gegen amerikanische Bundesgesetze und auch die der Einzelstaaten verstößt, hat ein österreichischer Geschäftsmann die Domain samt Inhalt übernommen. Er kaufte dem Studenten die Plattform ab und verlegte den Serverbetrieb nach Bulgarien.

Amerikanisches state law interessiert ihn nicht, Beschwerde-Mails von empörten Amerikanern lassen ihn kalt. Er bezeichnet Wählerstimmen schlicht als Produkt, das es zu verkaufen gilt. Glaubt man amerikanischen Presseberichten, lautet die aalglatte Botschaft: Weder Markt noch Internet kennen Grenzen, und wer am meisten zahlt, macht das Rennen. Ein Österreicher mit Sinn für amerikanisches e-business also?

### hans\_extrem ist Netzanarchist



Der Voteauction-Käufer heißt Hans Bernhard (Foto li.), alias hans\_extrem, und er ist Geschäftsführer der Wiener Kommunikationsagentur ubermorgen. Zusammen mit seiner Kollegin Elisabeth Haas (Foto re.), Pseudonym LIZVLX, ist er auf Schock- und Guerilla-Marketing spezialisiert.



Wenn sie nicht gerade damit beschäftigt sind, anarchistische Marketing-Strategien auszugröbeln, beraten sie Netz-Projekte, konzipieren unorthodoxe E-Commerce-Lösungen und investieren in neue Internetideen.

## NEWSLETTER

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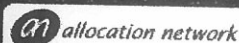
Surfen Sie die besten Web-Seiten ab oder erstellen Sie neue Touren: Mit NET-BC und Surftaxi das Web erfahren! Zu den Surftaxi-Touren!



Im coolsten Shop für die heißesten Accessoires gibt es jetzt ein spezielles NET-BC Angebot: Schnäppchen der Woche!

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## Österreichische Business-Visionen

Als ein solches Investment versteht Bernhard auch die Übernahme von Voteauction. Zusammen mit einer Investoren-Gruppe aus dem Netzwerk von übermorgen lies er den Plattformkauf innerhalb einer Woche von Mittelsmännern abwickeln. Völlig unspektakulär spricht er über den Deal, der in Amerika so hohe Wellen schlug: "Für uns ist das keine moralische Frage, wir sind schlicht und einfach business-orientiert. Wir sehen in Voteauction ganz klar ein Geschäft. In Wahlkämpfen liegt ein Riesenvolumen an Geld."

Geplant sei, in naher Zukunft eine globale Auktionsplattform für Wählerstimmen ins Netz zu stellen. "Denkbar ist das Modell für Wahlen aller Art, gerade auch auf lokaler und kommunaler Ebene," orakelt der Investor und hat dabei Amerika eigentlich gar nicht im Visier. "Unsere Gruppe hat an Amerika als Markt überhaupt kein Interesse," düpiert er das Musterland in Sachen Kapitalismus und Internet. "Europa und vor allem auch Afrika finden wir viel spannender. Was momentan in Amerika mit Voteauction abläuft, ist nur ein Testlauf. Wir beobachten, was sich entwickelt, wir prüfen die rechtliche und technische Situation."

### Provokation als Strategie

Die Investorengruppe wittert nicht nur das große Geschäft mit der Stimmenauktion, man will auch Aufmerksamkeit erregen und schockieren. Unumwunden gibt Bernhard zu, dass die Voteauction-Übernahme hart an der Grenze zum PR-Gag rangiert: "Unsere Agentur positioniert sich natürlich über solche Aktionen, wir investieren in Modelle mit message."


Mit der Resonanz auf die Seite ist Bernhard sehr zufrieden. "Ich bin begeistert, es wird langsam interessant und relevant. Sicher wird sich bis zum Ende des Wahlkampfes noch wesentlich mehr Dynamik entwickeln."

Die Rechnung scheint aufzugehen. Bernhard erzählt, dass sich nach dem Voteauction-Deal schon mehrere Unternehmen nach Kooperationen mit übermorgen erkundigt haben, darunter auch Microsoft. "Solche Anfragen hätten wir natürlich vorher nicht bekommen. Diese Leute fangen an zu begreifen, wie wir Synergieeffekte über unser Netzwerk nutzen."

### "Wir nutzen subversiv Systemschwachstellen aus"

Ein Interview mit Hans Bernhard, alias hans\_extrem, der mit der Übernahme von Voteauction.com Amerika schockierte. NET-BC sprach mit ihm über den Deal, seine Motive und den Kampf im Netz-Untergrund.

Anzeige

Sie brauchen Jahre, um sich einen **guten Namen** aufzubauen. 



TP 6/11/00

## Email aus USA

Armin Medosch 06.11.2000

Die Abschaltung von Vote-auction.com zeigt, wie das Web bequem zensiert werden kann. Mit dem Zugriff auf das DNS wird amerikanische Rechtsauffassung unmittelbar, automatisch und weltweit gültig

Die Abschaltung, bzw. Suspendierung des Domainnamens Vote-auction.com macht die rechtliche Unsicherheit schmerzlich bewusst, der europäische und andere nicht-amerikanische Inhaber von Domainnamen innerhalb der Top Level Domains .com, .org und .net ausgesetzt sind. Scheinbar genügte schon eine Email an Corenic, um Vote-auction.com aus dem Rennen zu werfen.

Es geht eigentlich gar nicht darum, was Vote-auction.com tut oder welchen Vergehens sie beschuldigt werden. Die Kernfrage ist die, ob sich mittels des Domain Name Systems amerikanische Rechtssprechung automatisch und unmittelbar über den gesamten Globus ausdehnt. Laut Sprechern von Vote-auction.com genügte eine Email aus USA, um die in der Schweizer ansässige Organisation Corenic zu veranlassen, den Domainnamen Vote-auction.com zu suspendieren. Wer oder was ist aber Corenic und wie können sie glauben, rechtmäßig gehandelt zu haben? Der ICANN-Beobachter Ted Byfield sprach in seinem fortlaufendem Bericht The roving reporter bereits von der ISOC-CORE-gTLD-MoU-ICANN-Hydra. Wir erinnern uns, eine Hydra ist in der griechischen Sagenwelt ein vielköpfiges Monster.

### Rückblende: Von IHAC zu Core

CORE ist aus dem International Ad Hoc Committee (IAHC) hervorgegangen, das im Herbst 1996 von der Internet Society (ISOC) und der Internet Assigned Numbers Authority (IANA) initiiert worden war, um "neue Strukturen, freie Marktwirtschaft und Wettbewerb" in das Internet Domain

ufruf zum Umlenken der  
esucher der Website  
nes US-  
äsidentschaftskandidaten  
ie Website für die  
uktion von Wahlstimmen  
urde vom DNS-Server  
gehängt  
uktionsplattform für  
erkauf von Wahlstimmen

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Name System (DNS) zu bringen, nachdem das Monopol von Network Solutions ausgelaufen sein würde. Im Frühjahr 1997 erregte IHAC Aufmerksamkeit, als es mit einem Plan für sieben neue Generic Top Level Domains gTLDs an die Öffentlichkeit trat.

Doch die US-Regierung hatte bereits ihre eigenen Pläne für die Zeit nach dem Ende des NSI-Monopols und begann mit einem "Green Paper" und einem "White Paper" den Prozess, der zu der Gründung von ICANN führte. Core schreiben in ihrer Selbstdarstellung, dass "Core und seine Mitglieder eine wichtige Rolle in der Prozedur gespielt haben, [...] die zur Gründung von ICANN und deren Domain Names Supporting Organisation (DNSO) führten". DNSO entwickelt Vorschläge für ICANN bezüglich der Regulierung des Domain Name Systems (DNS).

Da sich die Entmonopolisierung des Namensraums durch ICANN verzögerte, wurde es Unternehmen unter der Dachorganisation Core ermöglicht, Domainnamen in den TLDs .com, .net und .org zu registrieren. Core hat 200 Mitglieder in 4 Kontinenten, darunter eine Reihe deutscher Unternehmen, die Domainnamensregistrierungen durchführen.

### **Rückblende: Votauction.com**

Nocheinmal kurz die Geschichte von Votauction.com im Zeitraffer. Im August 2000 wurde dem Gründer der Site, James Baumgartner, von der New Yorker Wahlbehörde mitgeteilt, dass sie ihn verklagen würde, wenn er die Site nicht sofort schließt. Kurz darauf übernahm der derzeitige Inhaber, der Österreicher Hans Bernhard, die Site. Nach New York bekamen auch die Wahlbehörden in Chicago und Kalifornien Wind von der Auktionsplattform. Chicago brachte einen Antrag auf einstweilige Verfügung gegen Bernhard, aber auch gleich seinen Wiener Provider, namentlich genannte Mitarbeiter und gegen Domain Bank Inc an, das amerikanische Unternehmen, bei dem Votauction zu diesem Zeitpunkt registriert war.

Domain Bank sah sich von einem Rechtsfall bedroht und reagierte prompt mit der Abschaltung der Domain. Bernhard reagierte ebenfalls schnell und registrierte Vote-auction.com bei einem deutschen Unternehmen. Dieses ist Mitglied von Core und die dort registrierten Dot-coms werden in der Corenic-Datenbank verwaltet.

Am 2. November teilte Core Hans Bernhard folgendes mit: Core sei informiert worden, dass die Domain Vote-auction.com in Zusammenhang mit illegalen Aktivitäten benutzt werde. Wegen der Dringlichkeit und Schwere des Falles hätten die Rechtsanwälte von Core diesen geraten, ihr Recht nach Artikel 4 des Registrierungsvertrags auszuüben.

### **Delikate Frage der Zuständigkeit**

In diesem Artikel steht, zusammengefasst, dass Core das Recht beansprucht, einen Domainnamen zu suspendieren oder zu löschen, wenn von diesem aus unerwünschte Werbung (Spam) verschickt wird oder wenn der Domainname in Zusammenhang mit illegalen Aktivitäten benutzt wird.

Damit wird jedoch die Frage aufgeworfen, welche Aktivitäten nach welcher Rechtsprechung unrechtmäßig sind. Illegal können die Aktivitäten von Vote-auction.com bisher nur nach US-Recht sein. Abgesehen vom Chef der kalifornischen Wahlbehörde Bill Jones, der mit dem großen Stock gedroht hat, gab es tatsächliche juristische Aktivitäten nur in Cook County. Dort hatte die Wahlbehörde von Chicago das Gericht bemüht, um eine Verfügung zur Einstellung der Aktivitäten von Vote-Auction.com zu erhalten. Das Gericht hat diesem Antrag inzwischen auch tatsächlich stattgegeben.

Vote-auction.com erhielt Verständigung darüber kurioserweise zunächst nur mittels eines Anrufs auf dem Handy. Nach dem Motto "jetzt hören sie zu", wurde ihnen der Ausgang des Verfahrens, bei dem sie nicht anwesend und nicht vertreten waren, mitgeteilt. Die amerikanische Gerichtsbarkeit betrachtet das Ergebnis somit als "zugestellt". Schriftlich, und zwar wiederum nur als Email-Attachment (PDF) erhielten Vote-auction.com den Spruch erst einen Tag nach Abschaltung des Domainnamens.

Corenic befindet sich allerdings in der Schweiz und weist nach seinen Statuten auch die Schweiz als zuständigen Gerichtsstand aus. Vote-auction.com haben ihren Domainnamen wiederum bei einem deutschen Unternehmen registriert. Für dieses ist deutsches Recht maßgeblich und das Unternehmen hat auch bereits signalisiert, es würde einen Domainnamen nur sperren, wenn ihm eine einstweilige Verfügung eines deutschen Gerichts zugestellt werden würde. Direkt von Core hat Vote-auction nach deren Aussagen bisher nur eine förmliche Email erhalten, in der kein Verweis darauf enthalten ist, weshalb für Core so schnell feststeht, dass die Aktivitäten von Vote-auction als illegal zu betrachten sind. Telefonisch wurde Vote-auction mitgeteilt, dass Core eine Email aus USA erhalten hätte.

Es liegt also der Verdacht nahe, dass Core in einem subjektiven Ad-hoc-Entscheid die US-Rechtsprechung auf das gesamte Internet ausgedehnt hat, ohne dass lokale Instanzen in der Schweiz eingeschaltet worden wären oder dass es auch nur eine schriftliche Benachrichtigung auf Papier gegeben hätte. Jeder Inhaber jeglicher Domains unter .com, .org, .net muss also damit rechnen, dass seine Domain jederzeit widerrufen werden kann, wenn damit verbundene Aktivitäten bloß im Verdacht stehen, US-Recht zuwiderzulaufen oder wenn sie US-Interessen im Wege stehen.

Wollten Vote-auction.com aber nun ihre Domainnamen zurückhaben, müssten sie durch alle Instanzen gehen: Das Übel an der Quelle bekämpfen, sprich gegen die Verfügung des Gerichts in Cook County gegenklagen; Core in der Schweiz verklagen und dabei den Beweis antreten, dass Core den eigenen allgemeinen Vertragsbestimmungen zuwidergehandelt hat. Es ist unschwer zu erkennen, dass jeder Privatier, kleine Organisation oder Firma außerstande ist, diesen Rechtsweg zu beschreiten, ohne das Risiko des finanziellen Utergangs in Kauf zu nehmen. Vote-auction überlegen trotzdem, was sie in dieser Hinsicht unternehmen können.

### **Business first**

Damit stellt sich aber immer noch die Frage, warum Core so gehandelt hat. Eine Vermutung, die sich geradezu aufdrängt, ist die, dass es damit zu tun hat, dass die Entscheidung über neue gTLDs in die heiße Endphase geht. Core



ist in diesem Prozess der Entscheidung, welche neuen Top Level Domains zugelassen werden und wer welche verwalten darf, nicht nur eine beliebige Dachorganisation, sondern einer der großen Player. Core ist alleiniger Antragsteller für .nom, die Domain für Personennamen. Unter dem Dach des Konsortiums Afilias bewirbt sich Core für .info, .site und .web. Core möchte technischer Betreiber für .health der Weltgesundheitsorganisation werden, ebenso für .museum und .post.

Und dass Core gute Chancen hat, alle diese Aufgaben zugesprochen zu bekommen, wird sicherlich nicht durch den Umstand vermindert, dass Core-Vorstand Ken Stubbs zugleich Mitglied des "Names Council" der DNSO ist - jene ICANN-Organisation, die über zukünftige TLDs entscheiden wird. Sollte Core alle TLDs bekommen, die sie wollen, dann würde das einer Lizenz zum Gelddrucken ähneln. Die Situation wird aber noch verworrener dadurch, dass ICANN bislang noch nicht wirklich unabhängig ist, sondern immer noch unter der Fuchtel des US-Department of Commerce steht. In dieser Situation wäre es also taktisch ausgesprochen unklug von Core, sich bei US-Behörden unbeliebt zu machen. Europäische Domainnamensinhaber müssen sich allerdings fragen, "was haben wir damit zu tun?".

Interessanterweise beruft sich Core auf seine Mitgliedschaft bei ICANN. Die Standardprozedur zur Lösung von Domainnamenskonflikten bei ICANN unter dem Namen UDRP bezieht sich allerdings nur auf solche Streitigkeiten, bei denen es darum geht, wer rechtmäßiger Inhaber eines Domainnamens ist und nicht wie dieser inhaltlich genutzt wird. Hat ICANN also nun etwas zu damit zu tun oder nicht? Neugewähltes ICANN-Vorstandsmitglied Andy Müller-Maguhn hat bezüglich der Sperre von Vote-auction.com bereits angedeutet, er denke, "da müsse man was tun". Eine weitere Stellungnahme ist auf Anfrage heute dazu bislang von ihm nicht eingetroffen.

Doch wie immer man persönlich zu dem Webangebot von Vote-auction.com steht, was jedem Inhaber eines Domainnamens und Anbietern von Inhalten im Web nun zu denken geben muss, ist der schnelle und unmittelbare Zugriff der US-Behörden auf eine der wichtigsten Ressourcen des Internet, auf das Domain Name System. Im angeblich so schwer zensierbaren Internet stellt die hierarchische DNS-Struktur eine Achillesferse dar, über die politisch motivierte Zensur jederzeit möglich ist, sofern sie von der "richtigen" Seite kommt.

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Wie wird die dt. Regierung reagieren? by PeterPan, 09.11.2000

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Scheinheilig? by mp44, 08.11.2000

Deutschland ist in diesem Zusammenhang mal schuldlos. by Michael Kalus, 08.11.2000

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Leute, ihr seid auf so langweilige Art so vorhersagbar! by jens, 07.11.2000

Kollektivistin!? by demon driver, 09.11.2000

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fuk da states mindreset.de by rezet, 07.11.2000

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Was habt Ihr erwartet? by LEG, 07.11.2000

Und das war erst der Anfang der USA Weltübernahme ... by Pillepalle, 08.11.2000

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Muß nicht so bleiben by Michael Müller, 06.11.2000

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sad, but true by Cola-ohne-Eis Besteller, 06.11.2000

Amerika the land of the free... haha. by Michael Kalus, 07.11.2000

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Wunschvorstellung Oligopol by Geck, 06.11.2000

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Sollen sie doch zum Trotz IP-Adressen benutzen by Coldshell, 06.11.2000

sinnlos by Benjamin Schweizer, 07.11.2000

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Ahhh die Ironie by Michael Kalus, 06.11.2000

was ist richtig und was ist falsch? by Benjamin Schweizer, 07.11.2000

was ist falsch? by Andi K, 08.11.2000

Das kommt noch ... by Pillepalle, 08.11.2000

Es geht nicht um den Namen.... by Michael Kalus, 07.11.2000

| Aktualisiert am: Montag | 10.12.2001 | um 17:45  
Donnerstag, 26.10.00  
15:45 MET

VOTE-AUCTION



IHRE MEINUNG ZU  
DIESEM THEMA  
ALS EMAIL  
WEITERSCHICKEN

**Wählerstimmen für US-Wahlkampf versteigert**  
Internet-Unternehmen versteigert 21.000 Wählerstimmen  
| Höchstes Gebot bei 800.000 ATS

Ein Internetunternehmen, das 21.000 Stimmen für die US-Präsidentschaftswahl versteigert, hat sich in Deutschland registrieren lassen und seinen Domain-Namen geändert.

Nach amerikanischen Recht ist der Verkauf von Wählerstimmen verboten, die österreichischen Besitzer von www.vote-auction.com erklärten jedoch, die Namensänderung habe nichts mit den Ermittlungen gegen das Unternehmen zu tun.

Der Investor Hans Bernhard sagte der Nachrichtenagentur AP, die Besucher der Seite hätten oftmals versucht, den neuen Namen einzugeben statt des alten, der ohne Bindestrich geschrieben wurde.

Auf der Seite werden die Wähler aufgefordert, einige persönliche Angaben zu machen. Die Stimmen werden dann blockweise nach Einzelstaaten gegliedert, zum Kauf angeboten. Mit dieser Technik soll nach Angaben der Betreiber der Seite das Geld der Wahlkampagnen direkt die wählende Öffentlichkeit erreichen.

[Vote-Auction.com](#)

**2500 Wähler haben ihre Stimmen angeboten**  
Wie die Wähler bezahlt werden und ihre Stimmabgaben kontrolliert werden sollen, ist noch nicht klar. Nach einer Klage im US-Staat Illinois wurde die Seite geschlossen, in Kalifornien läuft ein Ermittlungsverfahren.

Die Seite wurde in dieser Woche mit Hilfe des Unternehmens CSL Computer Service aus Deutschland wieder geöffnet. Bis Donnerstag hatte mehr als 2.500 kalifornische Wähler ihre Stimmen angeboten.

Das höchste Gebot stand bei 48.000 Dollar [57.783 Euro/795.106 S] oder 19,61 Dollar pro Stimme.

Ein Behördensprecher aus Kalifornien erklärte, die Änderung des Namens werde die Ermittlungen nicht beeinflussen. Internetexperten sagten, es sei praktisch unmöglich, die Identität der Wähler über das Internet zu ermitteln.

[FEC.gov](#)

[Futurezone / AP / APA ] MAIL AN DEN EDITOR

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DIESEM THEMA

ALS EMAIL  
WEITERSCHICKEN

PRINTVERSION

THE CANDIDATOR

**Simulation-Games für den US-Wahlkampf**  
Softwarehaus aus .AT beliefert Time.com [mehr...]

Donnerstag,  
19.10.2000  
11:10 MET

MELKKÜHE

**Wahlspenden durch Online-Shopping**  
Kaliforniens Republikaner sammeln [mehr...]

Freitag, 01.09.2000  
03:54 MET

PRE.ELECTION

**US-Demokraten als Internet-Provider**  
Gratis Zugang und E-Mail-Adresse [mehr...]

Samstag, 10.06.2000  
13:45 MET

IHRE MEINUNG ZU  
DIESEM THEMA

**Das ist ein absoluter Schwachsinn!**  
[trouu](#), vor 410 Tagen, 1h 4min  
In der Wahlzelle darf keiner kontrollieren, wo du dein Kreuzerl machst.  
Also wie soll das überwacht werden?

REAKTION

[euripides](#), vor 409 Tagen, 8h 49min

LICHTINS DUN  
Ist da jeman  
Meine Spende  
OS -  
Vorname:  
Nachname:  
Zahlungsart:  
Kreditkarte  
[weiter]



Briefwahl.



Na das...

**thenuker**, vor 410 Tagen, 1h 5min  
... könnte doch auch bei uns das LIF benutzen um wieder in die Regierung zu kommen.



REAKTION

??

**matiss2001**, vor 409 Tagen, 8h 49min  
wann wars lif in der regierung?

REAKTION

**@thenuker**  
**fwen**, vor 409 Tagen, 6h 15min  
regierung != parlament

REAKTION

**LIF**  
**olivin**, vor 398 Tagen, 58min  
die kommen erst wieder in die Regierung,wenn der Haider dem Gusenbauer ein Busserl gibt....

[REACT] [REPLY]

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Die Pläne für den GENERALSTREIK

# FORMAT

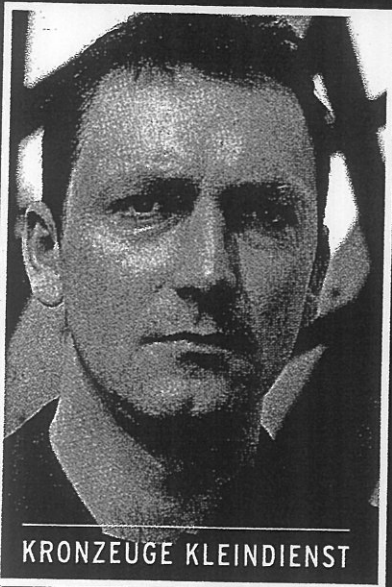
NR. 40 | 2. OKTOBER 2000 | ÖS 25,-

EX-POLIZIST  
KLEINDIENST:

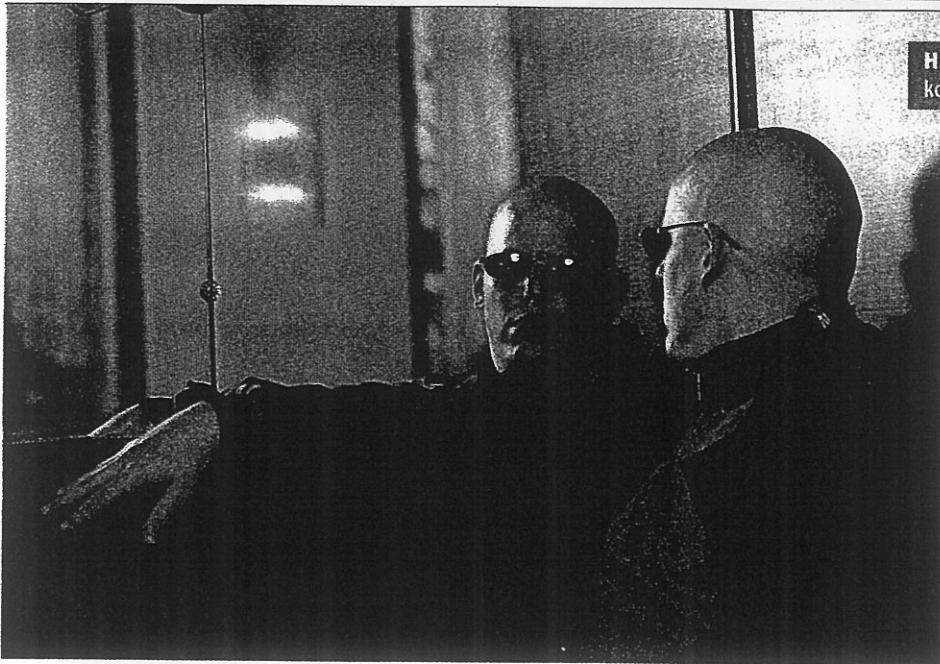
„Freiheitliche ließen Einem, Heller  
und andere Gegner bespitzeln“

Ein

FPÖ-Spitze  
packt aus



KRONZEUGE KLEINDIENST



US-WAHLKAMPF

**HANS BERNHARD:** „Vote Auctions in Österreich sind kommerziell nicht interessant, politisch aber spannend“

# Kapitalismus und Demokratie

Der Fall des Österreicher Hans Bernhard gehört derzeit zu den Hot Files des amerikanischen FBI: Mitten im US-Wahlkampf begann er im Netz mit dem Handel von Wählerstimmen.

Mitten in der heißen Endphase des US-Wahlkampfes darf sich Hans Bernhard in den USA über ein mediales Interesse freuen, das sonst nur Jörg Haider genießt. Nachrichtensender wie CNN, NBC und international einflussreiche Zeitungen wie die „Washington Post“ oder das Magazin „Wired“ widmeten dem Österreicher in den letzten Wochen größere Storys. In einem vom California Secretary of State eigens veröffentlichten Erlaß kündigte der kalifornische Gouverneur Ende August gar „absolute zero tolerance“, also null Toleranz für Bernhards Vorgehen an.

Dabei würden den unverfänglichen, auf seiner Website verkündeten Slogan „Bringing Capitalism and Democracy Closer Together“ wahrscheinlich sowohl George W.

Bush jr. als auch sein demokratischer Kontrahent Al Gore blind unterschreiben.

Auf einer Site wie [www.voteauction.com](http://www.voteauction.com) ist der sonst so nichtssagende Vorsatz allerdings blanker Zynismus. Schließlich betreibt Bernhard auf der kürzlich vom US-Studenten James Baumgartner gekauften Plattform eine virtuelle Stimmenbörse. Der Wiener will die ursprünglich als politisches Statement gedachten Vote Auctions jetzt kommerziell nutzen. Drei Wochen lang haben unentschlossene US-Bürger noch die Möglichkeit, sich online in die Stimmendatenbank einzutragen und so ihre Stimme zu Cash zu machen. Nach Bundesstaaten aufgeteilt werden die Stimmenpackages dann den Interessenten – Bernhard setzt auf Lobbyisten und reiche Privatpersonen als Käufer – angeboten. Derzeit ha-

ben sich mehr als 6.000 Wahlberechtigte die Vote Auction registriert. Der Stimmhändler nimmt an, daß sich die Zahl der kaufwilligen „mindestens verdreifacht“

**B2B GOES B2C.** Moralische Einwände locken dem Endzwanziger nur ein m Lächeln. „Moral ist im amerikanischen Wahlkampf nicht relevant.“ Oder er hält an die Argumentation seines Vorgängers James Baumgartner: „Bush und Al Gore geben Milliardenbeträge für Wahlwerbung aus. Das Geld lukrieren sie dabei von den Leuten, die sich wirtschaftliche Vorteile erkaufen. Da ist es doch besser, das Geld gleich den Wählern auszubezahlen.“ Bernhard will die Kommerzialisierung der Wahl, „die im Business-to-Business-Bereich schon lange gefunden hat, auf den Business-to-Consumer-Level transferieren“. Daß das offizielle Amerika damit nicht einverstanden ist, steht sich. Sicherheitshalber haben Berr und sein anonymes Team alle Dater auf einem bulgarischen Server untergebracht.

**NÄCHSTES ZIEL: GROSSBRITANNIEN.** Da nicht festgelegt ist, wie Vote-Auctioner ihre Wahlentscheidung auf unbürokratische Weise nachweisen sollen, betraut Bernhard die US-Präsidentenwahl mit dem „großen Realtime-Test für zukünftige Projekte“. Sind operative Mängel einmal gemerkt, sollen die Wahlen in Großbritannien (2001) und Deutschland (2002) in Angriff genommen werden.

**NUR CLEVERES MARKETING?** Auch wer den Kunden von Bernhards Consul firma [ubermorgen.com](http://www.ubermorgen.com) Unternehmen Microsoft Deutschland gehören, hat 1993 an der Gründung der Schwedischen Künstlergruppe [etoym.com](http://www.etoym.com) beteiligte Weise seine künstlerische Herangehensweise heute beibehalten. Die Vote Auction rufen sich etwa auf die Vision einer „Corporate World“ des Science-fiction-Autors Neal Stephenson („Snow Crash“, 1992).

Mit Vorwürfen, daß es sich bei dem Programm um reine PR für [ubermorgen.com](http://www.ubermorgen.com) handeln könnte, hat Bernhard kein Problem. Eine eindrucksvolle Referenz für das von ihm auf Vorträgen in aller Welt propagierte „marketing“ sind die Vote Auctions zwei-

- THOMAS W

**WWW.VOTEAUCTION.COM:** Bereits sechstausend wahlberechtigte US-Bürger offerieren hier ihre Stimme für die bevorstehende Präsidentschaftswahl. Das California Secretary of State ([www.ss.ca.gov](http://www.ss.ca.gov)) kündigt „absolute zero tolerance“ an und droht bei (Online-)Stimmenkäufen mit langen Haftstrafen.

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

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

**SACRAMENTO** – Secretary of State Bill Jones today issued the following statement regarding recent media reports on the vote buying and selling on the Internet website [www.voteauction.com](http://www.voteauction.com).

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

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

Subject by any office notified to report crimes should contact the Secretary of State at [www.ss.ca.gov](http://www.ss.ca.gov)



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## Austrian Takes Bids on U.S. Votes

 by [Mark K. Anderson](#)

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

When a website that offered to auction presidential votes to the highest bidder was shut down last month, lamentations over a democracy for sale shifted into the past tense.

The threat of whoisaiie vote-buying had come and gone -- or so it seemed.

### See also:

[Voteauction Bites the Dust](#)  
[Close Vote? You Can Bid On It](#)  
[Parties Dancing With the Net](#)  
 Everybody's got issues in [Politics](#)

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

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

On Aug. 22, Bernhard bought the fledgling site from James Baumgartner, an art graduate student at Rensselaer Polytechnic Institute in Troy, New York, who had conceived of the site as a satire on the American campaign finance system. However, where Baumgartner -- who ran Voteauction himself from his studio in upstate New York -- viewed the site as a commentary on the vagaries of American plutocracy, Bernhard espouses no such higher motives.

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

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

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

Presently, according to Bernhard, Voteauction has a core team of seven employees: lawyers, communications experts, and marketing people. As of Tuesday morning, the site was trafficking in 376 votes with \$10,600 in bids already posted. Bids are submitted via email to the Austrian



clearinghouse and are broken down state by state.

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

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

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

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

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

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

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

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

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

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

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

"For us, it's a double strategy," said Bernhard, whose investments include the wily conglomerate of Internet mischief makers etoy. "On the one side, we do run Voteauction for this election. On the other side, we definitely see it as a test pilot for [elections] in Europe."

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

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

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

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

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

Raskin of American University reiterated that Voteauction has entered the American marketplace when accusations of corruption and influence peddling have become so rampant that outright vote fraud loses some of its outrageous taint.

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

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## Selling Votes or Peddling Lies?

2:00 a.m. Oct. 30, 2000 PST

(page 2)

As RTMark's Ray Thomas said in an e-mail earlier this week, "In everything that RTMark has done in regards to [Voteauction.com](http://Voteauction.com), from project listing to investment procuring to sale facilitating, we have always assumed that the intention of the site was to highlight the way corporations currently choose candidates and procure votes in essentially the same way that a vote-auctioning website would.

"We have never actually wished to see vote-selling become legal -- we only hoped that through such a shocking example as this, people would become alert to the similarities of current reality to this hypothetical nightmare and, ultimately, that the soft-money system would become illegal just as vote-auctioning is."

Still, regardless of what side eventually prevails in the lawsuit, the [Chicago Board of Election Commissioners](#) is not laughing.

Its suit -- which names both Bernhard and Baumgartner -- succeeded in obtaining a preliminary injunction on Oct. 18 which resulted in Voteauction's original domain-name registrar, Domain Bank, removing Voteauction.com from its rolls.

But now that Vote-auction.com, logged via a different name bank, has surfaced, Tom Leach of the Chicago Board says they'll be pressing for a contempt of court citation on Monday.

"They're in violation of this court order, and we're going to present that to the court and ask for a contempt citation," Leach said. "This is just part of a suit that's going to play out long after the election's over with."

On Thursday, an official from the office of Illinois State Attorney General Jim Ryan said that the Illinois Board of Elections has requested that the state intervene in the Vote-auction lawsuit.

Leach noted that this office has apprised the Austrian Ministry of Justice of its lawsuit via the Austrian ambassador in Washington -- although, when contacted, the consul general from the embassy said he was not able to confirm or deny this claim.

Leach also added that he's heard from officials in Connecticut, California, Colorado, Indiana, Michigan and Texas, all of whom are considering taking their own legal actions against the site.

"Here in California, we are engaged in criminal investigations of (Vote-auction)," William Wood, chief counsel for the California Secretary of State said in a [CNN](#) interview on Tuesday. "We will continue those investigations through the election."

Bernhard said that the CNN piece -- as part of the network's half-hour legal show *Burden of Proof* devoted to Vote-auction.com -- substantially increased Vote-auction's traffic and, he claims, also brought in new bids.

"In the aftermath of the CNN feature, we received 35 bidding offers within some hours," he said. "It's really getting hot. The numbers are just crackling. It's amazing. The bids are massive. It's unbelievable."

But Stewart said that barring proof that Vote-auction actually facilitates vote fraud -- rather than just cleverly drawing media attention to "soft-money" elections -- he's pursuing the case as a straightforward issue of free speech.

"There clearly are exceptions to free speech, but one of the things we cherish most dearly is the ability to speak on issues of politics," Stewart said. "Now insofar as this was a site to actually purchase a vote, authorities are right to want to get to the bottom of this. But insofar as this was just a parody, any



attorney would be hard-pressed to say this wasn't protected by the First Amendment.

"We have no information that any vote was ever bought or sold, nor was there any mechanism created for connecting sellers with buyers."

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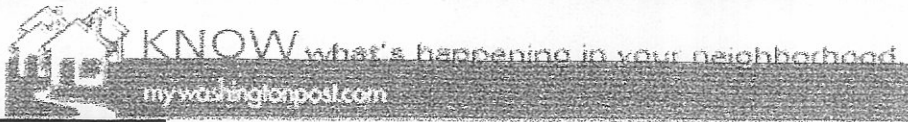
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**The Tangled Web of E-Voting**

June 26, 2000



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Buy This Vote!

By Jeremy Derfner  
Slate  
Wednesday, August 23, 2000; 1:45 PM

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

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

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

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

Flagrant vote-buying came into prominence with the expansion of the franchise and the rise of the political boss in the mid-1800s. Big city machines routinely got out the vote by paying for it with cash on election morning. The practice was so common that cartoonist Thomas Nast



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started his career depicting it. On a deeper level, the machines unapologetically operated on the principle of giving favors for votes. Poor voters especially could count on food, coal, and patronage jobs as long as they voted with the boss.

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

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

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

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

Ralph Nader's now-famous MasterCard parody makes the same point, as did the protesters outside the conventions, when they offered delegates money for their credentials. Many campaign-finance reformers, including Sheila Krumholz of the Center for Responsive Politics and American University law professor Jamin Raskin, have said they appreciate the vote-selling sentiment, though they would deplore the practice.

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

*Jeremy Derfner is a Slate editorial assistant.*

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## Web site offers to sell U.S. presidential votes

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

By *Richard Stenger*  
CNN.com Writer

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

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

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

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

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

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

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

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

But not everyone agrees.

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

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

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

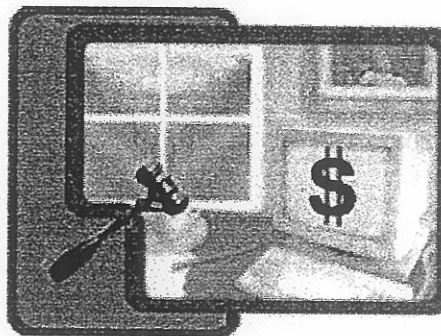
"The reality is, even if people think it's a prank, we take it very seriously," said Pursglove. "This is an act that could bring along felony charges."

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

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

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

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



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legal challenges.

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

Baumgartner, for his part, remains optimistic.

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

Philips thinks he should look for something else.

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

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## Selling Votes or Peddling Lies?

by [Mark K. Anderson](#)

2:00 a.m. Oct. 30, 2000 PST

As election authorities in Chicago prepare for Monday's court hearing in a [lawsuit](#) against the Austrian scofflaw website [Vote-auction.com](#), a crucial question of veracity has emerged.

Is Vote-auction -- which changed its name from Voteauction.com this week after the original domain name had been shut down by court order -- actually facilitating the sale of tens of thousands of American presidential votes? Or is it all satire, with no such activity ever having taken place?

### See also:

[Voteauction Booth is Closed](#)  
[Chicago to Sue Vote Auctioneers](#)  
[Thousands Sign Up to Sell Votes](#)  
[Close Vote? You Can Bid On It](#)

Whether that question will be answered in court has yet to be seen. What's clear is that even the defendants in the case disagree.

Current [site](#) owner Hans Bernhard says, absolutely, such commerce is under way. The creator and former adviser, James Baumgartner [maintains](#) that his brainchild is only a work of satire and does not engage in illegal vote-trading activities.

"The question of if it's a hoax, I can answer with a clear no," Bernhard said in a phone interview Thursday. "It's very obvious, because we're not running projects like that to make hoaxes. We're running businesses."

Dan Stewart, a lawyer in Albany, New York representing Baumgartner, says it's not so.

"The whole point of this was not to have people sell their votes," said Stewart, who said Bernhard sold Voteauction.com in mid-August for 1 euro (less than \$1). "The point was to have people draw their attention to the issue of money and politics... James Baumgartner would not have consented to selling the site if he did not think Mr. Bernhard held the same position."

Clearly, Baumgartner has reason to deny he's involved in selling votes. As a defendant in the suit, he could be slapped with damages.

But at least one interested observer believes Bernhard is telling the truth.

"I've always been skeptical of the satire argument," said Deborah Phillips, chair of the [Voting Integrity Project](#), which has followed the Voteauction story since its [early days](#) in August, when it was run as an MFA thesis project in New York state.

"Satire doesn't usually involve the exchange of money, nor does it usually cross international boundaries or involve international security threats," she said.

"If it's true it's just been a hoax, then the only way they can prove that is to open their site to FBI



technologists," Phillips said. "Otherwise, we have no way of verifying."

But Stewart said, "That's exactly what we did. The FBI conducted an investigation.... I'm not in a position right now to comment on the outcome of the investigation, but we have provided them everything they requested."

Pressed for verification of the quarter-million-dollar bid tallies now being posted at the site -- which Baumgartner deflated last week by alleging that Voteauction never actually received any offers to buy votes, even when it was posting bid totals of over \$100,000 -- Bernhard laughs.

"We have absolutely no possibility to disclose any information," he said. "This would be like handing it over to the feds. And the bidders especially are very, very concerned about the security. That's the reason they don't just come in via e-mail, but also via fax and telephone. They exactly know that this is not public information."

Bernhard's credibility as a straight-shooting businessman is certainly undercut by Baumgartner's revelation that his sale of Voteauction.com in August was brokered by the corporate satire collective RTMark.

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## Vote-selling Web site to be revived, possibly offshore

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

By *Richard Stenger*  
 CNN.com Writer

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

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

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

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

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

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

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

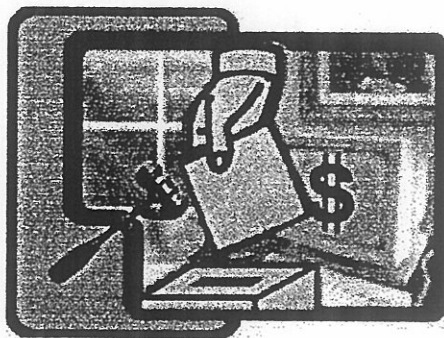
Critics think he and others trying to auction ballots on the Internet are making a moral mess of the voting process.

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

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

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

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



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### Website to Make It Possible to Sell Your Vote Online

DIGITAL ROAD UP ROAD RUNNER

AUGUST 22ND, 2000

Choosing a president is an American tradition, but this November, you may be able to sell your vote by clicking on [Voteauction.com](http://Voteauction.com).

"We're allowing people to register with [Voteauction.com](http://Voteauction.com) and they're placed into voting blocks by state and then each block is sold to the highest bidder," said [Voteauction.com](http://Voteauction.com) founder James Baumgartner. "They'll be voting by absentee ballot. They fill out everything except for president, then the person or organization that wins the auction will say I want such and such group to vote for this person."

The voters will then fill in the bidder's choice for president and send the ballot to [Voteauction.com](http://Voteauction.com) for verification.

Participating voters get a portion of the proceeds from the sale of their vote. Baumgartner wouldn't say how much a vote goes for these days.

He says he's heard from interested parties on both sides of the auction, but he wouldn't divulge their names either.

Go out and tell someone about this website and almost always the first response will be "that can't be legal!" Here in New York, [Voteauction.com](http://Voteauction.com) and participating voters could end up in some trouble.

"There are statutes on the books that prohibit you from even offering to sell your vote," said Tom Wilkey from the New York State Board of Elections. There are other statutes where it is even a violation to pay for that consideration."

Just last week, auction site eBay put the kabosh on six people who tried to sell their votes. Selling votes violates state and federal law.

Still, [Voteauction.com](http://Voteauction.com) insists it's following a precedent set by the highest court in the land.

"In 1976 there was a Supreme Court decision, Buckley vs. Valeo, that equated campaign contributions with free speech," said Baumgartner. "The Internet is the largest world forum for free speech right now. So we're combining those two and

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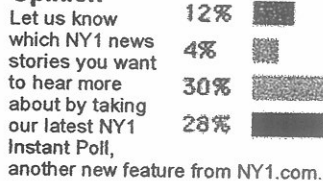
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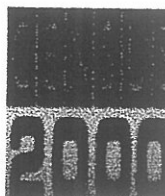
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allowing the campaign contributions to go directly to the voters."

"It's a verified endorsement," he continued. "Voteauction.com, like a labor union or political action group, will endorse this candidate for each state that the winning bidders want the people to vote on, and I'm just verifying they're voting for the endorsed candidate."

"Spending money to get ideas out and spending money to support candidates have constitutional protection under the First Amendment, but bribing politicians to act or buying and selling votes have never been held to have First Amendment protection and it's inconceivable that it would be or ought to be," says NYU Law professor Richard Pildes.

Voteauction.com can't be found on the web now. Baumgartner says it will officially launch in about two weeks, when a lawyer finishes hammering out the final details.

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# USA TODAY Tech Report

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

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## The news behind the Net

### Votes up for auction draw official inquiries

By Janet Kornblum, USA TODAY

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

#### For more information:

▶ [voting-integrity.org](http://voting-integrity.org)



For past E-Briefing columns, click here.

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

Officials in New York and Maryland also are investigating.

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

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

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

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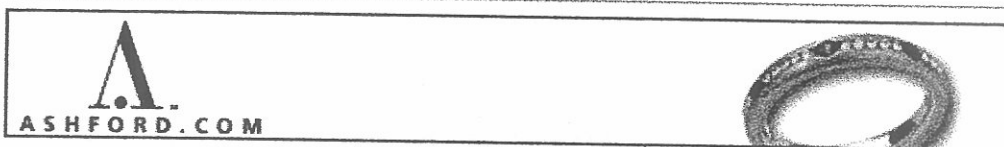


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Whether the site is successful or intended to be a parody — and even though votes can't be legally sold — the cases raise troublesome issues to Phillips. "I love the Internet. But the more I've looked at this issue, the more concerned I've become,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

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



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## Straight Talk from Voteauction.com

by Chris Connor  
August 18, 2000, 3 p.m. PT

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

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

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

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

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

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

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

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

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

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

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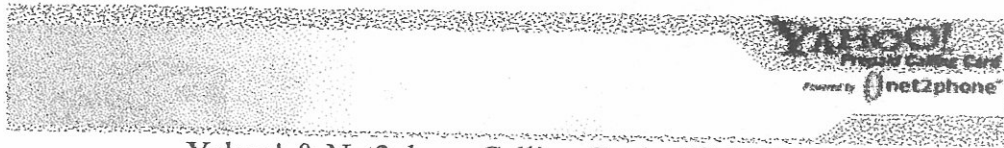
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## Chicago Tries To Shut Vote Web Site

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(Requires Yahoo! Messenger)

by [DON BABWIN](#), Associated Press Writer

CHICAGO (AP) - Mindful of the city's history as a place where elections have been bought, Chicago officials are trying to shut down a Web site that offers votes to the highest bidder.

The Board of Elections sent letters on Tuesday to federal and state prosecutors, saying that the site [www.voteauction.com](#) should be shut down.

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

Voteauction.com provides "a forum for campaign contributors and voters to come together in a free market exchange," according to the site. Voteauction.com says it will collect absentee ballots from voters, verify them, and then sell them to the highest bidder who can "choose who the group will vote for en masse." Sellers then receive money depending on how much is bid.

So far, the site boasts that 8,313 voters nationwide have signed up - 380 in Illinois. The price tag thus far in Illinois, according to the Web site, is \$15.79 a vote or \$6,000 for the state.

California, the national prize because of its 54 electoral college votes, has a high bid of \$22,000 offered to make the choice for 1,230 voters. The Web site notes that it is not valid in New York after that state questioned its legality.

Neal said there is no indication any money or ballots have changed hands. Nor, he said, is there any way to verify how many voters have signed up or even contacted the Web site. But, he said, "we don't think it can work."

The U.S. Attorney's office has forwarded the board's letter to the Department of Justice in Washington, and the state's attorney's office would only say it received the letter.

A New York graduate student, James Baumgartner, launched the site this summer and said it wasn't really meant to work, at the time.

"It was more to make a point that the campaign financing system operates as a business," he said.

Neal said while others may think the site is funny, "To us it is not, particularly because of the history of Chicago."

Stopping it, though, may be tough. The site has been sold to a Vienna businessman, Hans Bernhard who, Baumgartner said, is "in Austria and the server is in Bulgaria, so he thinks he's outside the jurisdiction" of any American board of elections.

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## Buy This Vote!

The Web puts democracy on sale.

By Jeremy Derfner

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



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

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

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

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

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

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


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

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

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

Ralph Nader's now-famous MasterCard parody makes the same point (click [here](#) to see the ad), as did the protesters outside the conventions when they offered delegates money for their credentials. Many campaign-finance reformers, including Sheila Krumholz of the Center for Responsive Politics and American University law professor Jamin Raskin, have said they appreciate the vote-selling sentiment, though they would deplore the practice.

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

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**Reader Comment from The Fray:**

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

—Dennis

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

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

—Jack Dupont

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

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

could not but vote for Smith. That auction I held to get to the figure of \$50? Well, my time is limited, I can't waste it scrolling through everyone's web sites. My time is certainly worth more than the \$10 the Vegetarian Party offered me."

-Glen Tomkins

(To reply, click here.)

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

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

-Aghast

(To reply, click here.)

(8/24)

*Jeremy Derfner is a Slate editorial assistant.*

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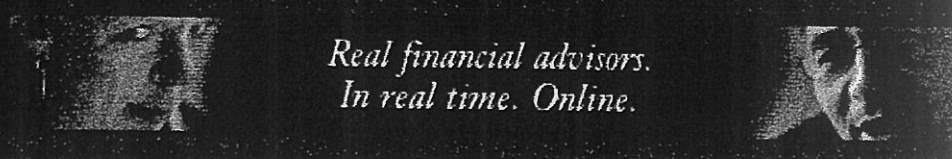
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## Auction Gives New Meaning To 'Check Here'

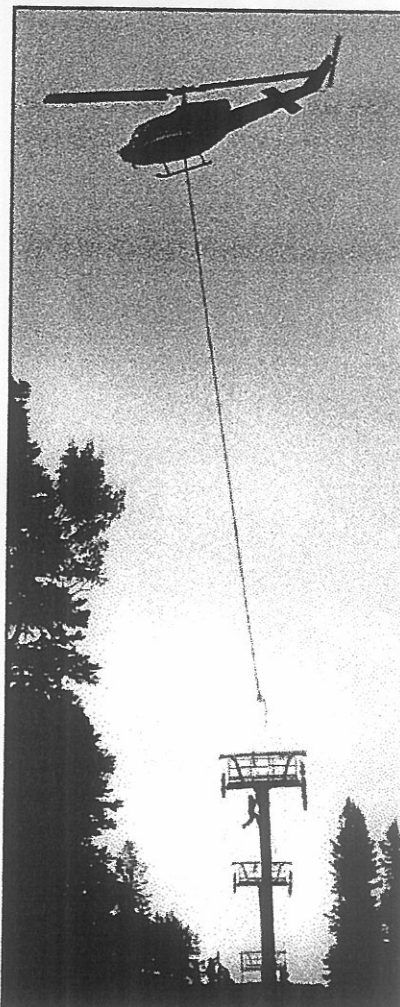
BY DAN HARRIE  
SALT LAKE TRIBUNE

Challenging the notion that the right to vote is priceless, a new Internet site has sprung up to exchange money for votes.

Voteauction.com allows voters to register their votes for sale to the highest bidder -- presumably politicians or special interests looking for the best bang for their campaign-contribution buck. Votes are grouped by state to be sold in blocs for the presidential election.

The Web site carries the slogan: "Bringing capitalism and democracy closer together."

Created by 26-year-old graduate student James Baumgartner of New York, the site was shut down temporarily last week amid a flurry of news stories about Department of Justice scrutiny of the scheme, along with similar attempted auctions on eBay. But voteauction.com already has reopened under Austrian ownership. **DETAILS▶**



Workers for C tech guide the top of the new Dreamscape ski lift into place Tuesday at The Canyons in Park City. Helicopters flew in the towers, then held them in position while ground crews anchored them. (Steve Griffin/The Salt Lake Tribune)

## Joint Private, Public Effort Gives Utah 1st Toll Road

BY BRANDON LOOMIS  
THE SALT LAKE TRIBUNE

WASHINGTON TERRACE -- Thirty years of lobbying state road builders couldn't get Ogden's south side a new freeway access until a private landowner put up \$5 million to get the job done.

The result: Utah's first toll road, a \$10 million



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**Thousands sign up to sell votes**  
 by **Mark K. Anderson**

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

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

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

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 Everybody's got issues in [Politics](#)

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

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

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

Phillips has been observing the ups and downs of the blatantly felonious site since August, when Wired News first reported on this curious conglomeration of satire, lawlessness and voracious capitalism.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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### Thousands Sign up to Sell votes

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

(page 2)

Sabato and co-author Glenn R. Simpson of *The Wall Street Journal* write in *Secrets*: "Contrary to the belief of some that voter fraud is a thing of the past existing today only in isolated packets, if at all, the evidence ... strongly suggests a persistent pattern of criminal fraud that is well organized and a continuing part of the political culture in some areas

"The fact that fraud is generally not recognized as a serious problem by press, public and law enforcement creates the perfect environment for it to flourish."

The Voteauction experience certainly leaves little room to doubt that. As Baumgartner observed, voteauction "Action Teams" now plan to spread their message -- along with the "Empowerment Kits" containing vote-selling bumper stickers, flyers and handbills -- at such prominent venues as the Oct. 3 presidential debate at the University of Massachusetts in Boston.

The Voting Integrity Project's Phillips sees such over-the-top expressions as commentary in itself. Noting that it appeals to a younger, more cynical generation, she does wonder about the mixed message the "Action Teams" spread.

"They see chaos as a legitimate political expression," she said. "If that is indeed what this game is all about, then it's a different animal. Then they may be doing America a tremendous favor -- if they succeed in awakening the country to making the changes in election law that need to be made. But it could also go in just the opposite direction."

For one, she said, Voteauction's logistics leave her highly suspicious.

"You've got a Bulgarian ISP," she said. "Now Bulgaria is not necessarily the friendliest nation to the U.S. Then you've got an Austrian businessman, and there are extreme right-wing elements there. To me, it's an unusual congruence."

Sabato, who himself exposed many modern-day examples of vote fraud in *Secrets*, found the case of Voteauction alternately dispiriting and comical -- if only in a dark and bitter way.

"That's really incredible," he said, stifling a laugh. "I'm glad it's only 6,000 people. Of course, it's not very well known. Once it becomes better known, I wouldn't be surprised to see that number grow substantially."

"It is an accurate commentary to some degree on the current shape of American politics. Everybody's making money except for the voters. So this way the voters make money too," he said. "But (vote-sellers) have forgotten the literally millions of people in our history who have given their lives to preserve the vote. They've forgotten the civil rights marchers who gave their lives to get the vote, all the women's suffrage workers who gave large portions of their lives to get the vote for women. It's sad in my book."

Although Phillips said some editors and journalists around the country have neglected to cover the Voteauction story so far because they fear it's a prank or a particularly dastardly piece of "guerrilla marketing," it is indeed for real.

"It's another aspect of the Internet that was completely unpredicted and still is," Sabato said. "I just don't think hardly anybody out there knows this is there or would believe that it's there. And that's what the Internet can do."

"There are light forces and dark forces produced by the Internet -- this great new technology that has such potential for good and for ill. Well, here's an example of ill."

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**Voteauction Booth is Closed**  
by [Mark K. Anderson](#)

2:00 a.m. Oct. 21, 2000 PDT

After two months of going up and down and back up again, Voteauction.com is taking no more bidders. And this time, actually, that may be for good.

Following a preliminary injunction issued on Wednesday by the Circuit Court of Cook County, Illinois, the Austrian-based site -- purporting to sell presidential votes to the highest bidder -- has closed its doors.

**See also:**

- [Chicago to Sue Vote Auctioneers](#)
- [Thousands Sign Up to Sell Votes](#)
- [Austrian Takes Bids on U.S. Votes](#)
- [Close Vote? You Can Bid On It](#)

The Chicago Board of Election Commissioners sued the creator and current owner on Monday, alleging the site trafficked in the buying and selling of votes.

The graduate student who began the vote-fraud saga in August also revealed that it's been cooking its books all along. James Baumgartner sold the site to an Austrian entrepreneur later that month, but has continued to provide content for the site and consult with the owner.

"The numbers were highly exaggerated ... to increase the hyperbole of the site," said Baumgartner, an MFA student in upstate New York.

The number of voters who have requested to sell their votes -- last reported on the site at over 15,000 -- was actually "somewhere between one and 3,000," Baumgartner said.

And the bids, he said, were nil. The site had boasted almost \$200,000 in offers. In fact, Baumgartner said, there were never any bids.

Most important, he said, neither he nor Austrian owner Hans Bernhard -- who declined comment when contacted Friday -- ever intended to go through with actually trafficking the votes bought and sold.

"It was never my intent to sell votes," Baumgartner said. "And it was clear when I was setting it up with Hans that he and I had the same principles in mind. We were both doing this as a political satire or media intervention kind of thing."

That may be so, but it apparently doesn't have much sway with the folks in Chicago.

"We've said from the beginning that they may think it's a parody," said Tom Leach of the Chicago Board of Election Commissioners. "But we don't think it's funny... If I'm going on an airplane and yelling fire even if there's no fire, it's still a federal crime."

Now that the Chicago board has obtained the temporary order to shut down Voteauction, Leach



said his team still plans to continue pursuing its lawsuit. They seek both a permanent injunction against Baumgartner, Bernhard et. al. from continuing any such vote-fraud -- whether practiced on Voteauction or elsewhere, whether a hoax or not -- and to recoup the attorneys' fees spent in investigating and litigating Voteauction.

Baumgartner, one of the defendants named in the lawsuit, said he had two main prototypes in mind when he created Voteauction.

First, he pointed to the recent hoax website Ronsangels.com, which inspired hundreds of news stories over a virtual venue that allegedly offered to sell the eggs and sperm of fashion models to facilitate "Darwin's natural selection at its very best."

"The news organizations that interviewed (the Ronsangels operator) didn't want to reveal later that it wasn't for real," Baumgartner said. "But what he did was help generate a great deal of discussion over the issue."

Second, Baumgartner took a few pointers from perhaps the most talked-about and imitated piece of satire in Western history -- Jonathan Swift's "A Modest Proposal."

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**Voteauction Booth is Closed**  
2:00 a.m. Oct. 21, 2000 PDT

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"He proposes killing the poor and eating them to help solve hunger problems," Baumgartner said. "His method was to create an extreme example of some people's ideas. And that was my intent -- to create an extreme example of the 'election industry' in order to accent what the real issue is. And I don't think I was the first person to come up with the term 'election industry' either."

However much high-minded talk of satire there may be, Leach countered, the bottom line remains: "We still don't consider it a gag," he said. "We consider it a crime."

Larry J. Sabato, a University of Virginia political scientist who has studied the history of vote fraud in America, noted his approval of the injunction and Baumgartner's assertion that the site is a parody.

"I take some comfort from the way it's worked out," he said. "Not only that the site has been shut down and it turns out not to be serious; but also that relatively few people did sign up for it. I have a hard time thinking that this is a major crisis for democracy."

"Of course, it's a shame that anybody would (sell their vote)," Sabato said. "But you can probably get 3,000 (people) to sell any particular body part."

On Aug. 18, when Baumgartner ran Voteauction out of his home studio in Troy, New York, the New York City Board of Elections indicated its intent to take him to court if the site continued to operate.

Baumgartner then shut it down, but transferred the site to Bernhard of the Austrian company Ubermorgen.

What he did not reveal at the time was that the two parties were put in touch with one another by the culture-jamming organization RTMark.

As of press time, no representative from RTMark had responded to requests for an interview.

Baumgartner said he intends to continue the discussion his project has generated on a meta-site about the whole Voteauction saga, election4sale.com.

On election4sale -- a domain he originally registered with Voteauction -- he'll also feature the discussion board that has found both supporters and detractors so heatedly squaring off against one another.

"Whatever you may think of the intellectual underpinnings of a law that criminalizes the sale or purchase of votes, or the offer to do so, the sale or purchase of a vote is still a Class 4 felony in Illinois," wrote A.L. Zimmer of the Illinois State Board of Elections on Oct. 5. "Illinois residents who sell their votes or offer to do so, expose themselves to criminal penalties, like it or not."

On the other hand, Zimmer's foes have been equally adamant. "If you will review your history, sir, you will note that before there was 'VoteAuction,' there was 'Vote Early, Vote Often,'" wrote one anonymous supporter on the Voteauction forum.

"If it weren't for the 'Grateful Dead' of Cook County in 1960, you guys couldn't have slipped the fair-haired son of ol' Joe the Bootlegger into the Oval Office. As they say: 'There's None So Righteous As the Reformed Sinner.'"

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## Chicago to Sue vote Auctioneers by [Mark K. Anderson](#)

2:50 p.m. Oct. 12, 2000 PDT

Finding 1,131 of Illinois' presidential votes up on the virtual auction block, election officials in Chicago are expected to file a lawsuit Friday against the website Voteauction.com.

The court action attempts to obtain a cease and desist order against any buying or selling of votes -- Voteauction's unique and illegal niche of e-commerce -- within Chicago's jurisdiction.

### **See also:**

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"We continue to have many investigators out there trying to locate the gentleman responsible in Vienna, Austria and then determine how we might bring him under jurisdiction of the Illinois courts," said Langdon Neal, chairman of Chicago's [Board of Election Commissioners](#).

Such actions are, of course, easier said than done. Voteauction is run by an Austrian company and its website's server is, according to Voteauction's chief investor Hans Bernhard, somewhere in Bulgaria.

Neal countered that any court order arising from the lawsuit could be enforceable since he had information that part of Voteauction is being run via servers in Maryland -- a charge that Bernhard denies.

"I don't even know about it yet," Bernhard said of the lawsuit. "I have some indirect information that Chicago is going out to the press. But we did not receive anything legal. No official documents, no contact."

He added, however, that Voteauction recently did receive an official cease and desist letter from California's secretary of state, where 1,836 presidential votes are reportedly currently up for auction.

"To be honest we don't see a problem at the moment," Bernhard said. "The only point where there is a possibility to do something is towards the voters who sell their votes. But we don't give out this information."

Begun in August by a graduate student in upstate New York developing the site for his master of fine arts thesis, Voteauction had previously received one legal threat. At the time, the site was being run stateside and was thus readily subject to enforcement actions by American prosecutors and electoral boards.





When New York City's board of elections filed its cease and desist letter with Voteauction on Aug. 18, the site was shut down before the end of the day.

However, when Bernhard bought the site and moved it offshore, he simply removed New York state from the bidding but continued to trade in presidential votes for the other 49 states.

And now, according to the tallies on Voteauction, over 15,000 Americans have offered up their vote for sale, with \$170,600 in winning bids registered so far.

"You wonder what soldiers who died to preserve our right to vote in a democracy would think about citizens willing to sell their vote for \$10 to \$20," said Larry J. Sabato, a University of Virginia professor who studies corruption in American politics.

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### Chicago to Sue Vote Auctioneers

2:50 p.m. Oct. 12, 2000 PDT

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He added, however, that American court orders may not succeed in stopping this particularly slippery new breed of vote fraud.

"The real problem is that a substantial number of citizens are willing to sell a vote for money," Sabato said. "I think it's probable that (the Voteauction lawsuit) would be a losing battle. I'm not going to write off all the possibilities without knowing them. But it would be very difficult to do what the judge may want to do."

On the other hand, according to Harvard University law professor Terry Fisher, several legal avenues may still remain open to shut down, or at least strongly curtail voteauction's illegal dealings.

For starters, he said, courts have previously obtained personal jurisdiction over some "aggressive" website operators overseas engaging in or encouraging allegedly criminal conduct within American borders. This has resulted in the seizure and transfer of overseas-owned domain names to American plaintiffs.

"The upshot is Voteauction is a quite novel enterprise," Fisher said. "I've never actually heard of anything like this before. But it would seem to be of the sort that would be likely to give rise to constitutionally legitimate personal jurisdiction."

He added that the newly adopted anti-cybersquatting act contains a little-known provision that could also come into play, even though what Voteauction.com does technically has nothing to do with the primarily trademark-oriented legislation.

The law stipulates that courts can in extreme circumstances obtain "in rem" jurisdiction over a website, enabling law enforcement to shut it down even if that site is based offshore.

"You couldn't base in rem jurisdiction (for Voteauction.com) on the cybersquatting statute," Fisher said. "But an innovative legal argument might enable an outraged judge to assert in rem jurisdiction over the domain name here if he or she couldn't obtain personal jurisdiction over the individual actors."

Still, Neal of the Chicago Board of Elections added that even if the legal remedies prove fruitless in stopping Voteauction.com, the felonious conduct demands that action be taken.

"There's a bigger picture here than the specifics of enjoining and stopping this website," Neal said. "The bigger issue is we enforce the election laws that prevent vote fraud."

"So there's a message here not just to those that access this website but to anybody who tries to fool around with selling their vote or interfering with absentee voting law: We are watching," he said. "And we will aggressively pursue what we see to be vote fraud."

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**Voteauction Bids the Dust**  
by [Mark K. Anderson](#)

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

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

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

**See also:**

- [Close Vote? You Can Bid On It](#)
- [Parties Dancing With the Net](#)
- [Reform Voting Evokes E-Votes](#)
- Everybody's got issues in [Politics](#)

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

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

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

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

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

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

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

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



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

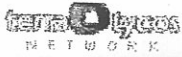
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**Voteauction Bids the Dust**

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

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Keimer indicated that the New York City Board of Elections will meet this week to decide whether to open an investigation into Voteauction participants within the five New York metro-area boroughs.

"There's nothing we can do to him," Kellner said of Baumgartner. "That's in the hands of the Rensselaer County District Attorney."

Kris Thompson, a spokesman for Rensselaer County District Attorney Kenneth R. Bruno declined to elaborate on any plans for to pursue legal action.

"This is very new stuff," he said. "We've never really ventured into something like this before."

Baumgartner, who created Voteauction.com as the subject of a master's thesis, said he intends to do no more with the site and was uncertain what his next step will be in developing the academic project. He speculated that he may simply center his thesis around the outpouring of press, publicity, and public outcry that his site generated.

Nevertheless, the site itself appears to have a life beyond Baumgartner's plans. Solicited by an Austrian investor over the weekend, Baumgartner said he has taken steps to sell Voteauction itself. However, the purchaser's plans for Voteauction.com remain unclear. Attempts to reach the reported buyer proved fruitless.

Baumgartner sees the immediate public and prosecutorial reaction to Voteauction as a confirmation that his idea resonated with the American public. "I got 80,000 hits on Thursday and Friday alone," Baumgartner said. "I think that that along with what was going on with eBay and Yahoo auctions shows that this is something people are really concerned about: If the politicians are selling their votes -- and they clearly are -- then the people should be allowed to as well."

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## Will culture-jam for food

The prankster behind the Voteauction.com satire needs your help to pay off his \$3,800 legal debt.

by Katharine Mieszkowski

May 18, 2001 | Last year, James Baumgartner of Albany, N.Y., caused a media firestorm with his satirical Web site, Voteauction.com, which invites citizens to sell their votes to the highest bidder. It was a real new economy business model: Why not do an end run around all those fat-cat middlemen—the political consultants, lobbyists and pollsters -- and let all the cash being spent to buy votes go straight to the people?

In the 2000 election buildup and aftermath, more than 1,000 media outlets reported on the site that, like other attempts to sell votes, gave the media a chance to cover campaign finance reform in a funny light. But less than a year later, Baumgartner, 26, is \$3,800 in the hole in legal bills.

This Saturday night, there will be an "emergency benefit" in San Francisco at the Other Cinema at Artists' Television Access to help pay Baumgartner's legal debts. Baumgartner will be flying in from Boston, where he now lives, to give what's being billed as "a PowerPoint presentation on the benefits of the merger of capital and democracy."

to the audience as if they're shareholders and I present Voteauction as if it's a viable business model," he says. "I like to make an analogy to TV: The product of TV is people. The viewers are sold to the advertisers, and in return they get an entertainment or sports or news product. In the electric industry, the voters are sold to the candidates via the political consultants and advertising."

His pitch: "There's billions of dollars going around, but the voters aren't getting anything out of it except mediocre candidates. Why not bring that money directly to the consumer? Change it from a B-to-B to a B-to-C business model." And there's certainly a huge market. "I was targeting the 50 percent of the population that doesn't vote."

By giving speeches at places like Skidmore College, Baumgartner has recouped about \$900 to cover legal fees incurred when he was personally named as a defendant in a suit alleging election fraud brought in Chicago's Circuit Court of Cook County. Eventually, the Illinois branch of the American Civil Liberties Union took up his case, which is still pending. "I think I have a pretty clear free speech case," he says.

The joke about the lawsuits against Voteauction.com -- there have been 13 in all, many of which have since been dropped -- is that no votes were actually sold. But the original Voteauction.com site was shut down after that first lawsuit brought by Chicago officials, who saw the site as an act of election fraud, not a pointed art project from the merry wags of the "culture-jamming" group @<sup>TM</sup>ark, which counts Baumgartner among its "agents." VoteAuction.com then reopened at a new URL, where it's owned and operated by Hans Bernhard, an Austrian artist and fellow @<sup>TM</sup>ark agent.

@<sup>TM</sup>ark is a scattered, global network of artists who critique capitalism by creating and distributing products that mock its excesses. They were co-conspirators with the etoy pranksters who created a Web site that ultimately outlasted the litigious online toy retailer eToys.com, which took it on in a trademark dispute.

With eToys.com kaput, and the election old news, the @<sup>TM</sup>ark "agents" as they call themselves have moved on to a slew of new projects, including turning those annoying CueCat bar code scanners, which facilitate shopping at home, into a tool for disseminating information about nefarious corporate behavior.

While Baumgartner fundraises his way out of his current legal woes, it looks like the other @<sup>TM</sup>ark agents will keep walking the line between parody and law bending. Like many of the @<sup>TM</sup>ark projects, Voteauction.com is basically a clever joke that ran the risk of being too subtle for humor-impaired keepers of law and order. Says Baumgartner, "They thought that it was an actual auction, but there weren't any votes being sold. It was kind of a high concept satire on the election industry."

Still, compared to most corporate P.R. budgets, \$3,800 is a fairly small price to pay to get hundreds of media outlets to spread the word.

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Katharine Mieszkowski is a senior writer for Salon Technology.

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## Web site offering to sell votes shut down

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

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

by *Ronna Abramson*

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

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

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

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

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

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

Voteauction planned to auction votes in blocks according to state. Bids would start at \$100 per state and go up by \$50. Whoever had the highest bid would get to decide how the entire



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group of votes from the particular state would vote. Voters would divide the final price equally among themselves.

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

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

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

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

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

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

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### Voteauction Bids the Dust

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

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

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Kellner indicated that the New York City Board of Elections will meet this week to decide whether to open an investigation into Voteauction participants within the five New York metro-area boroughs.

"There's nothing we can do to him," Kellner said of Baumgartner. "That's in the hands of the Rensselaer County District Attorney."

Kris Thompson, a spokesman for Rensselaer County District Attorney Kenneth R. Bruno declined to elaborate on any plans for to pursue legal action.

"This is very new stuff," he said. "We've never really ventured into something like this before."

Baumgartner, who created Voteaction.com as the subject of a master's thesis, said he intends to do no more with the site and was uncertain what his next step will be in developing the academic project. He speculated that he may simply center his thesis around the outpouring of press, publicity, and public outcry that his site generated.

Nevertheless, the site itself appears to have a life beyond Baumgartner's plans. Solicited by an Austrian investor over the weekend, Baumgartner said he has taken steps to sell Voteauction itself. However, the purchaser's plans for Voteauction.com remain unclear. Attempts to reach the reported buyer proved fruitless.

Baumgartner sees the immediate public and prosecutorial reaction to Voteauction as a confirmation that his idea resonated with the American public. "I got 80,000 hits on Thursday and Friday alone," Baumgartner said. "I think that that along with what was going on with eBay and Yahoo auctions shows that this is something people are really concerned about: If the politicians are selling their votes -- and they clearly are -- then the people should be allowed to as well."

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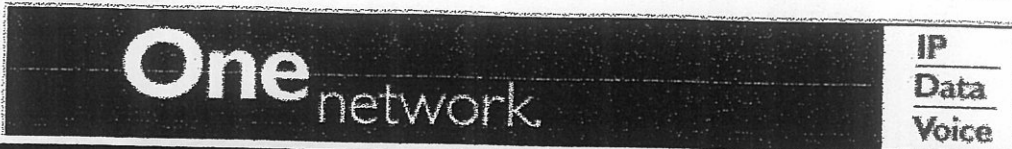


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### Close Vote? You Can Bid on It

by Mark K. Anderson

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

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

That is, after all, the American way.

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

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

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

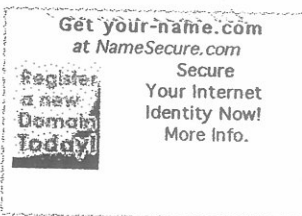
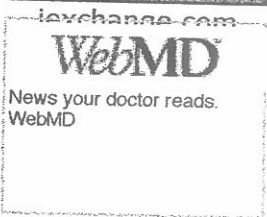
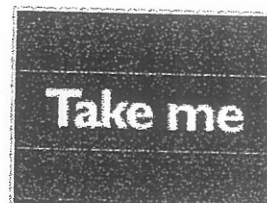
It's a ploy that certainly strikes the untrained ear as a violation of something -- whether it's election laws or just basic democratic values. It's also an eventuality some framers of the Constitution feared.

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

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

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

However, he added, depending on the cleverness with



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which Voteauction is designed, the site could actually test the limits of the Supreme Court's 1976 "money equals speech" ruling.

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

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

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

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

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


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Online auctions will be conducted at [Voteauction.com](http://Voteauction.com) state-by-state in September and October, he continued. The blocks of votes will be marketed primarily to businesses and interest groups -- Voteauction does not plan to court the candidates themselves.

The kitty for each state will be split among the Voteauction voters in that state. And the winner of each state's auction will then be able to cast its procured ballots for the contender of its choosing.

Raskin audibly shuddered when he heard the process spelled out.

"That sounds pretty serious," he said. "It's possible that some aggressive prosecutor could try to bring solicitation charges against him just for setting up the possibility of this scheme."

For American historical precedent, Baumgartner cites the 1757 Virginia House of Burgesses race in which George Washington bought each of the 391 voters in his district a quart and a half of alcohol in exchange for their support.

And, of course, the presidential Iowa straw poll offers hardly little more than an opportunity to exchange money for political positioning.

Yet no American example Baumgartner can point to even approaches the proposed scope of [Voteauction.com](http://Voteauction.com). For something of similar magnitude, one must look overseas to cases in India, Montenegro, Japan, Morocco, or Taiwan.

Given that upwards of 100 million potential eligible voters won't be casting their ballots this November, Baumgartner said perhaps an appeal to the bottom line might get them to the booth.

"Right now the corporations are just passing money around to other corporations," he said. "One corporation is giving money to the campaign, and the campaign is turning around and giving money to television stations, advertising agencies, consultants, things like that. The money is not reaching the people at all. It's leaving them out of the equation."

Raskin concurred. "If this is intended as a cyber satire on the commodification of American politics, one can only applaud the spirit of the authors," he said.

"Right now everyone is making money off elections except the voters.... Everyone is enjoying a lavishly subsidized ride on the back of the American people,

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and it is ironic that we have replaced old-fashioned vote-buying and bribery with much more sophisticated forms of financial takeover of the electoral process."

Paul Rapp, Albany attorney and thesis advisor to Baumgartner, did caution that individuals participating in Voteauction.com could technically be putting themselves in legal jeopardy.

"Then again, it strikes me that it's on the same level as the Napster controversy," he said. "If you're downloading a song, what is realistically the possibility that Lars Ulrich and the Feds are going to bust your door down and drag you off to art jail? Highly unlikely.

"It would be a victory for James if it generated the same sort of discussion about the nature of our democracy that Napster has had on the nature of ownership of music," said Rapp. "I suspect if James got the sort of traffic that Napster got, one of two things would happen. He would either be facing a considerable jail sentence, or he would become one of the most powerful men in America."

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WIREDNEWS  
9/11/00

## Lawyers Are Cheap at Vote Auction

Mark K. Anderson

10 p.m. Nov. 9, 2000 PST

Election 2000 descends into an Elian's Revenge of tangled Florida lawsuits, Miami politics and federal interventions, it's probably fitting that the equally turbid tale of Internet vote-auctioning also finds a glorious end.

Ill that one to the defendants, though.

### See also:

[Selling Votes or Peddling Lies?](#)

[Voteauction Booth is Closed](#)

[Who's to Sue Vote Auctioneers](#)

[How to Buy a Vote? You Can Bid On It](#)

[Thousands Sign Up to Sell Votes](#)

[Vote-auction.com](#), the satirical vote-peddling website, is now caught in the crossfire of lawsuits from several states, with investigations in other states underway. Not to be outdone, the Austrian investor who has run Vote-auction since late August is preparing to mount his own legal challenge to the Nov. 1 shutdown of his site.

What began as a ruthless e-commerce project, boldly selling what no one had sold before, has become a freedom-of-speech case where the defendants remove their veils and cry, "Spoof!"

Harvey Grossman of the Chicago branch of the American Civil Liberties Union has entered the fray, defending the site's American creator, New York graduate student James Baumgartner, in a lawsuit filed with the Chicago Board of Election Commissioners.

The representation James is making is that no votes were ever bought or sold and no arrangements were ever made to buy or sell votes," Grossman said. "This was purely political satire."

Previous to the election, Hans Bernhard, the Austrian vote auctioneer, had maintained the legitimacy of vote-auction, breaking his cover once in an Oct. 31 French interview in which he admits Vote-auction is a hoax.

"Vote-auction *est un acte pour la liberte d'expression*," he said.

Bernhard was similarly candid in an interview Tuesday.

"We've made a strategic move, in order to prevent further madness in the U.S. legal system," he said. "We're going after the free speech argument. Everybody knows. We know it, you know it, the legal people know it: We've never ever sold or bought any votes. It's ridiculous."

Now, not only are the Chicago election board and the Illinois attorney general plying their trade against Bernhard et al., but state attorneys general in Massachusetts, Missouri, Texas and Wisconsin are also at various stages in the process of trying to restrain or eradicate the site. All of them, except for Missouri, cite their respective state laws prohibiting the purchase or sale of votes.

The suit filed by Missouri Attorney General Jeremiah W. Nixon, on the other hand, says that the Austrian website violates his state's consumer protection statutes against vendors making misrepresenting claims

out their goods or services.

ne side is suing us for doing something illegal; the other side is suing us for *not* doing something legal," Bernhard said. "It is getting very funny."

ott Holste, a spokesman for Nixon, said on Thursday that his office's consumer protection division -- t the Secretary of State, who usually handles vote-fraud related cases -- took up the challenge, ecifically because it involved the Web.

le've done this in the past on Internet issues, such as over our attorney general filing a lawsuit ainst an Internet gambling site," Holste said. "The site wasn't sued over violating gambling but rather nsumer protection laws.... Insofar as this office being able to bring legal action in Internet cases, nsumer protection) is the best vehicle we've used."

the Vote-auction case, he said, "We're suing because they're saying it's legal to buy and sell votes, ien Missouri law says otherwise.... Where we stand right now, we've been in communication with ople in this organization. They've said they would sign a consent injunction that would require them to p making representations that it was legal to buy and sell Missouri votes and then to pro-actively ate the website was null and void in the state of Missouri."

e combination of all the lawsuits, Bernhard said, makes for quite an echo chamber of legalese.

re receiving so much legal spam now," he said, adding that hundreds of faxes -- sometimes sent to ; palm pilot -- now clog his hard drives and litter his desk.

d even if Bernhard, Baumgartner, Vote-auction and Vote-auction's ISP -- some or all of whom are med, depending on the lawsuit -- emerge from the cloud of affidavits anytime soon, there's also the vsuit Vote-auction itself is considering filing.

ording to a [message](#) submitted by Bernhard's vote-auctioneer partner "LizVlx" (Elisabeth Haas) to e Web-law e-mail group, the shutdown of Vote-auction followed a chain of command they hope to rance in their lawsuit.

e company that registered Vote-auction.com, she said, was the Dusseldorf-based [CSL GmbH](#), which urn brokers domain names via [The Internet Council of Registrars \(CORE\)](#), based in Geneva.

IF she said, responded to the American legal actions against Vote-auction by pulling the plug.

oarently, they feel that a Missouri restraining order is governed under Swiss law, and that e-mail es authenticity," Haas wrote.

aphanie Schliepack, a Berlin attorney representing Vote-auction, said the dynamic between the ties responsible for removing Vote-auction.com from the Internet has yet to be fully determined.

e're considering suing CSL with an intent to explore the relationship with CORE as well," she said.

d since the Vote-auction case now has elements of Americans attempting to silence European-based ire -- raising the questions of both jurisdiction and international Internet governance -- such legal ions could raise some important legal issues outside of the immediate Vote-auction arena.

e're trying to test how far different German judgments about the validity of American cases go," said hliepack, adding that the roles of ICANN and international law are being explored as well.

ese six legal actions -- five state cases and Vote-auction's suit -- now comprise a minuet of litigation it recall last year's legal battles over the fate of a Swiss Internet art corps Bernhard helped found, y. Sued by the toy retailer eToys for their nearly identical domain name, eToy turned the action into opportunity for guerrilla theater.



: seems that we are witnessing the birth of a new subgenre of action-art: Digital Legal Art," Bernhard Haas wrote in a Vote-auction press release that came out on election day. "Apparently it is even so much the end user in front of the terminal to whom we appeal most but the people in U.S. legal offices.... very sexy!

evertheless, we are sure that the cases will be dropped, as it will be obvious, even to the legal folk, at there are people out there buying and selling votes -- but that it is not us. We just gave you the owtcase. The real dealers do their business quite openly in Washington. *Vive la difference!*"

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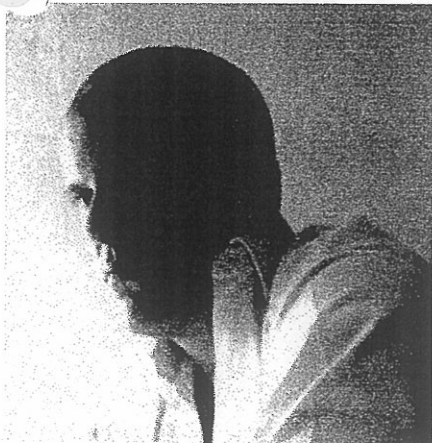
## Internationellt

[001015, 22:43]

# "Vi funderar på röstauktioner i Europa"

Kaliforniens statssekreterare Bill Jones ska på måndag förmiddag hålla en presskonferens om den kontroversiella webbsajten Voteauktion.com. Jones sände 6 oktober ett hotfullt brev till den österrikiske webbentreprenören Hans Bernhard, som i somras köpte sajten och funderar på att starta "röstauktioner" även i Europa.

**NEW YORK (DIT)** "Hans Bernhard" - vars verkliga namn är Luzius A. Bernhard - fick i tisdags ett ebreve från Bill Jones "rörande Voteauction.coms kriminella aktivitet." Sedan följde en skarp uppmaning om att omedelbart upphöra med verksamheten. -Han hotade med fängelse. Våra advokater tittar på det och jag väntar på deras feedback, säger Bernhard. Han ännu inte vet hur han ska reagera på brevet.



Österrikaren som hotas med fängelse av Kaliforniens statssekreterare.

Hans Bernhard är förutom nybliven ägare av Voteauktion.com, vd för en internetbyrå i Wien kallad morgon.com och grundare av webbföretaget etoy.com.

-Vi är inte något riskkapitalföretag, utan en informell grupp investerare som byggt upp vår verksamhet successivt och nu investerar miljontals dollar, säger Bernhard från sin GSM-telefon någonstans i Europa ("Jag kommer att vara i Berlin, London och Sofia de närmaste dagarna," skriver han i ett ebreve. )

Übermorgon.com arbetar med konsulting och digital marknadsföring åt internationella kunder, medan Etoy.com säljer "andelar" i ett "experimentellt universum." Bland "investerarna" listas på sajten återfinns Grateful Deads låtskrivare John Perry-Barlow, som också en av grundarna till Electronic Freedom Foundation i USA.

Etoy.com är knappast något för "normala" riskkapitalister. Företaget beskriver sina "etoy.SHARES" som en "revolutionär konstprodukt" för en marknad som inte följer "de normala reglerna för finansiella

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08-796 66 90

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08-613 30 11

marknader." Det är "ett spel med höga risker... som inte bör användas för pensionssparande," varnar Etoy.com också säger sig ha utvecklat "hundratals vansinniga digitala verktyg, sin egen terminologi och värdesystem för att utforska och utsträcka gränserna för det digitala genom extrem användning av teknologi och mänskliga resurser."

Det som slungade Bernhard ut i det globala rampljuset var att han för tre månader sedan köpte konststudenten James Baumgartners nystartade webbsajt Voteauction.com. Hans politiska auktionssajt hade en starkt ironisk ton, men valmyndigheterna i delstaten New York hade svårt att uppskatta ironin eftersom sajten faktiskt låter folk registrera sig för att sälja sina röster till högstbjudande. Och det är olagligt.

Är detta bara ett spex, eller vad är egentligen syftet?  
 -Vi ser stora möjligheter att bli marknadsledande för röstplattformar. Vi köpte sajten, flyttade över alla data till vår bulgariska server och håller nu på att utvärdera saken. Det gäller inte minst de juridiska aspekterna eftersom det är en "twilight thing." (uttrycket refererar sciencefiction-serien "The Twilight Zone," skymningszonen, min anm HS.)

-Vi undersöker om vi kan genomföra detta utan att användarna drabbas av repression. Det finns däremot en massa tekniska frågor som måste lösas, säger han. Det gäller inte minst frågan om kontraktet mellan köpare och säljare av röster är juridiskt hållbart eller ej och hur man får folk att göra som de lovat.

-Vi räknar med ett gap på 10-15 procent, eftersom det är väldigt svårt att kontrollera om de verkligen gör det de säger att de skulle göra. Vi ser det som en testpilot och försöker se vilka långsiktiga effekter det skulle kunna få.

-Det är ju väldigt mycket pengar i omlopp på den amerikanska politiska marknaden och vi är intresserade av att överföra en del av de pengar företagen redan spenderar på att manipulera rösterna. Vi är intresserade av att överföra en del av dessa pengar direkt till de röstande, säger Bernhard.

Vad är det för en filosofi bakom detta? Det är som om ni säger att systemet är korrupt, så det är lika bra att alla är korrupta?

-Nej, det är inte målet, men systemet är perverst, säger han och hänvisar till det låga valdeltagandet och den stora roll pengar spelar i valrörelsen.

-De som röstar får i stort sett ingenting. Vi gör inte detta av etiska eller moraliska skäl och är inte ute efter att förändra världen. Men vi visar med denna plattform hur perverst systemet är, samtidigt som vi erbjuder ett alternativ.

-Vi har många idéer om vad vi kan göra, men det hela är så nytt för oss. Vi har emellertid fått en massa uppmärksamhet och konfrontationer, vilket tyder på att vi är på rätt väg. Vi tror att vi inom tre till fyra år kommer att ha hittat ett sätt att göra detta på som är eller kommer att vara legalt.

-Jag tycker att jag som röstberättigad har min röst och

borde kunna göra vad jag vill med den. Jag kan kasta bort den, eller använda den. Det är sant att det idag är juridiskt tveksamt att göra detta, eftersom det anses olagligt. Men det är kanske något som borde ändras, säger han.

På mig låter det nästan som om ni endera är anarkister eller ultra-libertarianer? Finns det en filosofi bakom det hela?

-Det är en stor affärsmöjlighet för oss som internetpionjärer. Vi investerar nu, men vi kanske slutar i morgon av juridiska skäl, men det finns också en chans att detta kommer att vara globalt accepterat om tjugo år. Det är inte någon rak affärsplan, utan ett rent internetprojekt.

-Vi är intresserade av politiska aspekter, men har inget program. Det finns inget höger eller vänster, uppe eller nere här. Det finns heller ingen väg tillbaka.

Borde det finnas en marknad för röster?

-Ja, det verkar klart tycker jag. Titta på de senaste tio årens utveckling av den globala kapitalismen, med dess pseudoindividualistiska demokratiska kapitalism, man kan köpa och sälja allt. Den röstande individen får trots det inte sälja sin röst och det är något vi ifrågasätter för tillfället.

Har du några planer på att börja med röstauktioner i Europa?

-Ja, vi pratar om att göra det vid valet i Storbritannien 2001 och i Tyskland 2002. Våra jurister tittar nu på de juridiska frågorna kring detta. Vårt system kan också användas vid lokalval och alla andra slags val.

-Den amerikanska lagstiftningen är ju intressant i den meningen att den baseras på tidigare domstolsutslag och det är möjligt att man kan hitta ett smart sätt att gå runt de illegala punkterna. Då kanske man skapa "soft voting" ungefär som man har "soft money" i valet. Om man testar detta i domstol kanske man plötsligt har en marknad där.

Finns inte risken att folk tar pengarna och sedan lämnar dem?

-Tja, det beror på hur man kan formulera det juridiskt, men titta på förekomsten av "soft money" i USA, som ju betyder att folk betalar för något ganska diffust. Vi kanske kan hitta en lösning där de röstande inte måste rösta på ett visst sätt, men där man bygger upp ett förtroende.

-Det finns en fråga som skrämmer oss och det är frågan om att skydda de röstandes personliga integritet (privacy.) Vi vet hur USA:s underrättelsetjänst arbetar. Det är en svaghet i systemet idag, men vi vet också att de amerikanska myndigheterna inte skulle kunna använda material om de stal det från vår server, eftersom domstolarna inte accepterar stulet material som bevis. Vår server är säker, men det är en sak som verkligen oroar oss, säger Bernhard.

Slutligen, varför använder du två olika namn?

-Det är därför att vi jobbar i bakgrunden som investerare och att vi vill ha vårt privatliv skyddat så att vi slipper en massa hotbrev.

Men ditt riktiga namn kommer ju att komma ut ändå eftersom sajten är registrerad i ditt namn?

-Det stämmer, men i alla artiklar hittills har jag hetat Hans Bernhard, säger Luzius.

*Text: Hans Sandberg*

**Tipsa en kollega »**  
**Skriv ut denna artikel »**

#### Externa länkar

- [Voteauction.com](http://Voteauction.com)
- Statssekreterare Bill Jones
- [Etoy.com](http://Etoy.com)

**dagensit.se**

INNEHÅLL

Våra samarbetspartners:



TESTCENTER





Delivered-To: hans@ubermorgen.com  
Date: Sun, 03 Sep 2000 16:54:23 -0400  
From: Public Relations <pr@voteauction.com>  
Organization: voteauction.com  
X-Accept-Language: en  
To: mkanders@javanet.com  
Subject: Re: WIRED News Voteauction.com followup questions

Mark,

below you will see the answers to most of the questions, apologies for the delay in responding.

Mark Anderson wrote:

> Hans et al--  
>  
> I'm now working on my followup article on Voteauction.com for WIRED News  
> and several followup questions (after our interview) have arisen that I  
> would appreciate any answers you might be able to provide:  
>  
> \* How many registrations and bids do you now have? How many new  
> registrations have come in since Voteauction.com re-opened on 22 Aug?  
>

voteauction.com now has 361 votes available for auction, with many forms that have not yet been processed. This is an increase of approximately 175 since the site relaunched.

>  
> \* How do you plan to verify that the voters who sign up with  
> Voteauction.com will indeed vote for the candidate they've been paid to  
> vote for?

Verification will now be the responsibility of the winning bidder. They can choose from a variety of methods for verification of the votes. They may have the voters send in their absentee ballots for verification, they may have the voters take a photograph inside the voting booth, or they may go on the honor system - this is the system that many vote-purchasing endeavors have used in the past. We have chosen to have the winning bidders responsible for the verification because it would not be feasible to have people send their absentee ballots all the way to Austria and have us send them back to America within an appropriate time frame.

>  
>  
> \* How many hits has your website had since opening on 22 Aug? Has the  
> traffic increased or decreased since opening?

Those statistics are not currently available.

>  
>  
> \* Are you aware of any other companies or individuals doing what you're  
> doing in the "election industry"? That is, the website claims  
> Voteauction.com is the "Election Industry Leader," but is this not in  
> fact by default?  
>

The Election Industry we refer to has been developing for several years. It is based on a system where campaign contributors invest their money in the various candidates and political parties. The candidates and parties hire political consultants who take 10 - 15% of the money and then spend the rest on advertising and related campaign expenses. Voteauction.com is the Election Industry Leader because we are the first company to take the industry in a new direction. Currently it is mostly a business to business transaction, with the businesses treating the voter as a product. Voteauction.com treats the voter as an equal member in the industry with a valuable capital resource, his or her vote.

We have been approached by other organizations who want to set up similar sites, but none of these sites are currently online as far as we know.

>  
> I'm going to be working on this story over the weekend and will be  
> submitting it to WIRED News at the end of the day on Monday (east coast,  
> u.s.). Any responses you might have to the above would be greatly  
> appreciated.  
>  
> Thank you for your time,  
>

> Mark Anderson  
> WIRED News  
>  
> -----  
> Mark K. Anderson  
> Northampton, Mass.  
> mkanders@javanet.com  
> 413-586-8961 voice  
> 253-399-3201 fax

Public Relations

Delivered-To: hans@ubermorgen.com  
Subject: URGENT: Request for comment re: Voteauction.com  
Date: Mon, 21 Aug 00 15:51:17 -0400  
x-sender: mkanders@mail.javanet.com  
From: Mark Anderson <mkanders@javanet.com>  
To: "Luzius Bernhard" <hans@ubermorgen.com>

Mr. Bernhard--

I'm an American reporter for WIRED News, and I spoke with James Baumgartner this afternoon (3:30 p.m. New York time). He indicated that you had bought Voteauction.com. I have several questions for you related to this sale:

- 1) Do you plan on continuing the operation of Voteauction.com? If so, will your Voteauction.com operate with the same policies as Voteauction.com under Baumgartner's direction?
- 2) It has been pointed out -- in, for instance, the story I wrote last week about Voteauction for WIRED News (\*) -- that the buying and selling of votes is illegal under the laws of every state in the U.S. In New York state, for instance, it's considered a felony in both several state laws and in the state constitution. If you do indeed plan on continuing Voteauction.com selling U.S. votes, how do you plan to contend with the many potential criminal indictments -- for both Voteauction and its participants -- that could arise as a result?
- 3) What were the terms of the sale? Were there any requirements Mr. Baumgartner put on the operations of the site? Were there any terms that you required before you would buy Voteauction?

I look forward to hearing from you at your earliest convenience.

Thank you for your time,

Mark Anderson  
Northampton, Mass. USA  
253-399-3201 fax  
mkanders@javanet.com

(\*) <http://www.wired.com/news/politics/0,1283,38229,00.html>

Delivered-To: hans@ubermorgen.com  
X-Authentication-Warning: cortez.sss.rpi.edu: baumgj owned process doing -bs  
Date: Mon, 21 Aug 2000 22:02:36 -0400 (EDT)  
From: James M Baumgartner <baumgj@rpi.edu>  
X-Sender: baumgj@cortez.sss.rpi.edu  
To: willworkforfood@hotmail.com  
cc: ccutter@schwartz-pr.com, frank@rtmark, admin@rtmark, hans@ubermorgen.com  
Subject: voteauction: phase 2

Chris, Frank, Ray, Hans

(sorry for redundant info, this is the daily round-up for 8/21)

Voteauction has been sold to an investor in Austria, for the time being. I am still the North American Press Contact. I've talked to a couple of journalists today and said that he bought it because he believes that he could reap a profit from the current American Political system. Voteauction was sold for an "undisclosed ammount" (actually, about 1 Euro.) I am starting to craft the next press release to send out and I was wondering if you had any ideas. I'll work on it tonight and send you the draft. Ideas for interview angles would be helpful as well. I talked with Janet Kornblum at USA Today - pretty good interview, I think. I also talked with KPIX-CBS in San Francisco, Mark Anderson at Wirednews, and Billy O'Keefe from TMS-campus wire. Fox 4-news in Kansas City was also left a message for me, I called them back, but I haven't heard from them again - they were looking for the local angle which would be cool.

That's all the update for now - I'm off to work on the release. Anyone can feel free to email ideas and brainstorm for it.

James

To: WO'Keefe@Tribune.com  
From: ubermorgen <hans@ubermorgen.com>  
Subject: Re: VoteAuction.com  
Cc:  
Bcc: James M Baumgartner <baumgj@rpi.edu>, frank@rtmark.com, admin@rtmark.com  
X-Attachments:

Hello,

dear billy

the deal has just been closed and i am very happy to be the new owner of this fantastic domain and the related business along with it!

i think that this is a great opportunity for a foreign investor to capitalize on the american election industry. in fact, there are many other new american industries that i am considering investing in, including the prison industry and the K-12 education industry. america continues to privatize many of its public sectors, and this presents many opportunities for the foreign investor.

the weird thing here is that we all fully agree with the people who are outraged by this thing, this voteauction.com! we don't want it to be possible to buy votes - we just don't want corporations to be able to, any longer. or better said we would like to control or at least benefit from parts of the american election industry with our holding and specially with this exciting new biz-venture voteauction.com.

so, yes.. we do plan to continue this service. we might include some minor changes, but we dont expect to make fundamental changes. speed is the key!

we have been under investigation by american legal institutions several times over the last years.

so, i expect the result of this voteauction-deal to be pretty edgy. but what can you do? worst case scenarios and high-risk ventures are our business-lifestyle and our key to success. if we run into serious legal troubles we will just delegate this business to one of our offshore companies, and they are definitely and perfectly out of reach!

best regards

luzius a. bernhard  
etoy holding ag, vienna/austria

ps: our sub-company ubermorgen.com is in no way affiliated with the voteauction.com deal. it is one of our new media assets in europe.

I recently spoke to James Baumgartner regarding voteauction.com, and he mentioned that you had decided to buy the domain. I am a reporter for a national college press service, based in Chicago, and am currently doing a write-up on the whole voteauction.com concept. Is there any information you can share with me in regards to the future of voteauction.com and any plans you have for the domain? Any comments would be greatly appreciated. A reply to this address will do just fine.

Thank you,  
Billy O'Keefe  
Tribune Media Services  
Chicago, IL 60068



Delivered-To: hans@ubermorgen.com  
From: WO'Keefe@Tribune.com  
To: hans@ubermorgen.com  
Cc: WO'Keefe@Tribune.com  
Subject: VoteAuction.com  
Date: Mon, 21 Aug 2000 16:56:58 -0500

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Thank you,  
Billy O'Keefe  
Tribune Media Services  
Chicago, IL 60068

journal -  
reply  
> etoy ?  
yes!!!

To: Mark Anderson <mkanders@javanet.com>  
From: ubermorgen <hans@ubermorgen.com>  
Subject: Re: URGENT: Request for comment re: Voteauction.com  
Cc:  
Bcc: James M Baumgartner <baumgj@rpi.edu>, frank@rtmark.com, admin@rtmark.com  
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3) What were the terms of the sale? Were there any requirements Mr. Baumgartner put on the operations of the site? Were there any terms that you required before you would buy Voteauction?

we have both signed a contract including various non-disclosures.

I look forward to hearing from you at your earliest convenience.

best regards

luzius a. bernhard  
etoy holding ag, vienna/austria

ps: our sub-company ubermorgen.com is in no way affiliated with the voteauction.com deal. it is one of our new media assets in europe.

CMN → / CMN.com

Richard Stenger

etoy holding ag

voting process

e

Richard.stenger@cmn.com

→ list of companies

Stenger  
AUSTRIA

ubermorgen.com | AKTENVERMERK

DATE  VERFASST VON

UHRZEIT  GESPROCHEN MIT

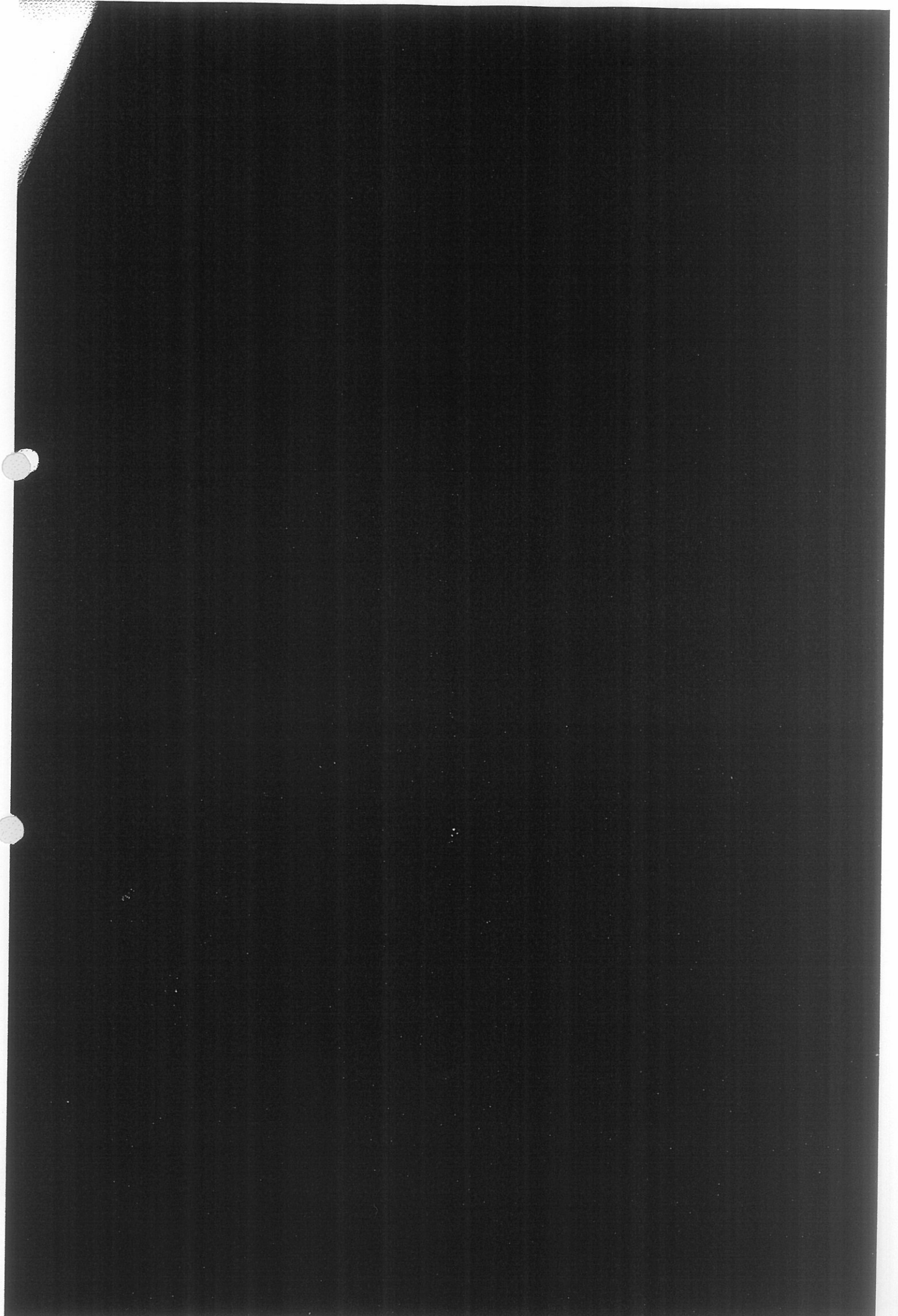
BETREFF

- ANGERUFEN BEI NR. ....
- ANGERUFEN WORDEN VON TEL. NR. ....
- PERSOENLICHES GESPRAECH BEI: .....
- SONSTIGES: .....

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*angefragt  
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Media Works  
23-01-2001  
Liz*

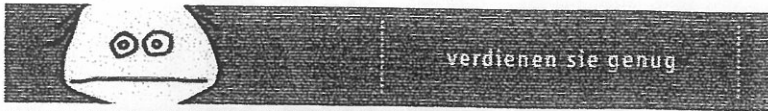
- Bartosch, Wolfgang  
"TÄUUCH ALLES"<sup>AK</sup>

---

▷ von [cnn.com](http://cnn.com)

▷ Ad. 01 29160/379

▷ wolf.bart@magnet.at



Übersicht Netzpolitik Technologie Netzkultur

19. Oktober 2000



Übersicht (Flash / HTML) Kandidaten Wahlergebnis

**US-PRÄSIDENTENWAHLKAMPF**

**Richter verbietet virtuellen Stimmenhandel**

**In den USA versucht ein Österreicher, via Web mit Wählerstimmen für den Präsidentenwahlkampf zu handeln. Ein Gericht will die Website endgültig abschalten lassen. Doch sie ist immer noch online.**



**Voteauction.com** versteigert angeblich Wählerstimmen

Chicago - Ob die Site allerdings wirklich ernst zu nehmen ist, bleibt fraglich. Immerhin heißt es dort: "Voteauction.com hat sich der Zusammenführung der amerikanischen Grundsätze Demokratie und Kapitalismus verschrieben, indem das große Geld der Wahlkampfkampagnen direkt an die Öffentlichkeit geleitet wird."

Ob Satire oder nicht: Der Wahlleiter in Chicago ging gerichtlich gegen die Domain vor, weil die bloße Existenz einer solchen Website illegal sei. Richter Michael Murphy verfügte nun, [www.voteauction.com](http://www.voteauction.com) sofort aus dem Netz zu nehmen. Doch die Betreiber der Domain, die auf einen Wiener registriert ist, drücken sich um das Verbot. Es seien lediglich die User aus dem US-Bundesstaat Illinois aus der Datenbank gelöscht worden, heißt es auf der Site.

Über den Netzauftritt sollen mehrere tausend Wählerstimmen gehandelt worden sein. Je Stimme schwanken die Preise zwischen gut 3 und fast 20 Dollar.

- Waffenlobby: Wählt Bush! (19.10.2000)
- US-Wahlkampf: Behörden stoppen Stimmenverkauf im Web (24.08.2000)

- Vote Auction
- SPIEGEL ONLINE ist nicht verantwortlich für die Inhalte externer Internetseiten.

DRUCKVERSION ►►  
ARTIKEL VERSENDEN ►►  
LESERBRIEF SCHREIBEN ►►

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**Spezial**

**Spielplatz**

- Gamers Corner: Die (Spiele-) Welt ist eine Scheibe
- Praktisch: Alle Spiele-Rezensionen im alphabetischen Index



**Viren, Würmer, Warnungen**

- Das Viren-Wetter: Ist Ihr Computer krank? Wir wissen, woran er leidet
- Ranking: Die Top Ten der Computerviren, stündlich frisch

**Die P2P-Revolution**

- Napster: ...und was danach kommt

**Geheimsachen**

- Freund hört mit: Echelon, das britisch-amerikanische Spionagesystem
- Auf einen Blick: Echelon-Standorte in aller Welt
- Exklusiv: Die Anatomie der Schlapphüte
- Gerhard Schmid: Offizieller Echelon-Bericht an das EU-Parlament

**Netzpolitik ▶▶**

- Gegen den Trend: Gläserner Staat statt gläserner Bürger
- Harte Hand: Ministerium verbietet Porno-Website
- [www.polizeibrandenburg.de](http://www.polizeibrandenburg.de): Kritiker müssen umstrittene Domain abgeben
- Betrug: Mutter der "Internet-Zwillinge" zu drei Jahren Haft verurteilt

**Technologie ▶▶**

- DSL-Preise: Es geht aufwärts
- PC-Steuererklärung: Kontrolle ist besser
- Gerüchteküche: Apple knabbert am Gigahertz
- Überraschungsdeal: KaZaA verkauft sich selbst

**Netzkultur ▶▶**

- Einigung in Sicht: Napster-Neustart naht
- CyberBytes: Euphoriebremse für den Online-Musik-Markt
- Enigma-Historie: Schießende Mathematiker und unschwule Helden
- Copyleft und Open Source, Teil 2: Lob statt Gehalt?

Subject: [V]ote-auction POST-ELECTION? WRAP-UP :: PRESS-RELEASE

Florida  
rednews artikel  
lepolis artikel  
lu  
f

*press release  
draft*

*v. 12/11/00*

*1500h*

you HAVE  
received many blank absentee ballots from american voters expecting  
payment in return, including 429 from florida voters

WTO action:

Would it be ok to feature the WTO/GATT action  
in Salzburg, as activism of RTMark.com, powered  
and financed [hehehe] by [V]ote-auction ?? just  
an idea.. if you prepare something cool ,, let  
me know and we leave this out..

merger announcement with www.ePlanetBizWeb.com

possibly announcement of [V]ote-auction mutual  
fund on RTMark.com [depends on speed we can  
develop the concept and you can implement it]..let me know..

take-over of vote-auction by korean company, they  
registered voteauction.net and .org in august.. hehehe..  
Registrant:

Ganada Co. (VOTEAUCTION2-DOM)  
#560-5, Pulkwang-Dong, Eunpyung-Gu  
Seoul, 122-041  
KR  
Domain Name: VOTEAUCTION.NET

feature and build up of political and legal  
platform: ipnic.org , we will have a mailing-list  
and publication platform for the v-a case and  
comparable cases.. we working on this currently..  
lotza material..

for feature: <http://www.a-blast.org/~voteauction/>

RELATED SITES:

The site could be named WelfareAuction.com and when it's  
launched announce the intention to build a vertical network of  
auction sites:

RadwayAuction.net for the conversion of municipal streets to  
private toll roads

WaterAuction.net for water systems and water rights

EducationAuction.net for schools

PublicParkAuction.net

AbilityAuction.net

part of the ePlanetBizWeb site is a welfare reform company called Family  
Privatization Services. This company could be reworked into an online  
brokering site for welfare families wishing to place (sell) their children  
to private homes, something like:

PS provides brokering services for welfare recipients who seek to place some

all of their children into the private sector. The FPS Family Exchange is  
an internet-based Family-to-Family (F2F) marketplace where buyers (private  
families) and Sellers (welfare families) meet to bid on the placement of  
children into private homes."

FOR IMMEDIATE RELEASE

[V]ote-auction xxx xxx xxx read y to blah.. bhlaa....

enclosed all new infos about blahh blahh blahh.. blahh  
blahhh blahh.... enclosed all new infos about blahh blahh  
blahh.. blahh blahhh blahh....

na/Berlin, November 13th, 2000, 5am CET

Below is the latest press release by [V]ote-auction  
and ipnic.org :

http://62.116.31.68                      http://www.ipnic.org  
Mirror:

It's different because it's fundamentally different:

[V]ote-auction                      http://62.116.31.68

You can also find this press release at  
http://62.116.31.68/pr.htm

For any further information feel free to contact  
ipnic@62.116.31.68] or in urgent cases call our  
ipnicmorgen.com hotlines:

Berlin +49-175-2066954  
Vienna +43-676-9300061

Further contacts:

Bill Jones: (916) 653-7244  
ICANN: mailto:icann@icann.org  
Andy Mueller-Maguhn: mailto:andy@ccc.de  
Domain Bank: mailto:shemphill@domainbank.net  
Corenic  
RTSL  
RTMark: mailto:voteauction@rtmark.com  
http://rtmark.com/voteauction.html

general attorney, state of missouri  
general attorney, state of wisconsin  
chicago board of election

weitere contacts...



It's different because it's fundamentally different:

[V]ote-auction <http://62.116.31.68>

---

[V]

[V]ote-auction, the election industry leader, ...

[V]

[V]

[V]

[V]



[V]

[ ]

[ ]

[ ]

[ ]

[V] Credits

James Baumgartner  
thermorgen.com  
rk.com  
SILVER SERVER / sil.at  
nemy.org  
oker.com  
ell.com  
hinkfactory.de  
ixelmassaker.com  
nn.com  
toyACTION.com  
CLU.org  
i-blast.org

For a list of support web-sites  
<http://62.116.31.68/news.htm#support>

[V] Final note

For the Vote-auction team

izvix                      hans\_extrem

the-woman-behind      the-guy-who-gets-sued

[V]ote-auction  
,To be or not to be! Just do it!"

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

pr@[62.116.31.68]  
http://62.116.31.68

We will not be able to receive messages sent to any of  
the old addresses. Thank you.

This message is not commercial. Get off our list by writing  
mailto:pr@[62.116.31.68] SUBJECT: FUCK OFF!

If you are receiving multiple copies of this release and would prefer  
to receive only one, remove as above all address versions but one.

[V]ote-auction	
pr@[62.116.31.68]	
The Election Industry Leader - Bringing Capitalism & Democracy closer together	
_brought to you by ubermorgen.com	

Delivered-To: hans@ubermorgen.com  
X-Sender: (Unverified)  
Date: Sat, 19 Aug 2000 00:25:30 -0500  
To: net\_CALLBOY <hans@ubermorgen.com>  
From: frank guerrero <frank@rtmark.com>  
Subject: ~~IMPORTANT URGENT OPPORTUNITY~~  
Cc: RTMark admin <admin@rtmark.com>, James M Baumgartner <baumgj@rpi.edu>, pr@voteauction.com

Dear Hans:

Thank you very much for the videotape- it came in the mail- we are looking forward to seeing it!

now- we have a SPECTACULAR.EMERGENCY offer for you. How would you like to be the proud owner of voteauction.com, an impressive new e-business ( which, by the way, is being listed as project VOTE on the rtmark site.)

here is some recent press on the business:

<http://www.wired.com/news/politics/0,1283,38229,00.html>

<http://www.cnn.com/2000/TECH/computing/08/18/internet.vote/index.html>

as you can see, it is thriving- however, there is some trouble brewing for proprietor James Baumgartner- see below:

>> Just got a call from Douglas Kellner at (212) 889-2121 NYC Election Commission, who basically said "What, are you nuts?" He told me that >> the NYC DA is looking into it as well as the State Board of Elections. >> He told me that this is highly illegal and that they are not treating >> this as a joke. He said he wanted to talk to me before he "went nuts on >> it". He informed me that there are two crimes included in the NYS >> constitution: and one is selling votes. He also said that numerous >> provisions of the election law were involved and that these were felony >> offenses. He said that the site would be shut down and that subpoenas >> would be issued unless we did something fairly quickly.

anyway, bad people are threatening to throw innocent entrepreneur James in jail for his activities. For him, thats a problem, but for you, AN OPPORTUNITY!

If you can purchase www.voteauction.com from James, it moves the operation offshore, so to speak. Its then a question of international law, and it turns the page to the next chapter of the voteauction.com saga, which otherwise could be stopped dead in the water.

I am sure Mr. Baumgartner could work out a favorable price. He has 200 Voters who have registered in the past 24 Hours! This could be a really thriving business soon! I'll bet he'll sell it to you for say, a few hundred thousand rupees, or dollars, or ATS.

You could even retain his services to help run voteauction.com, thats how good a deal it could be!

This could mean talking to a few reporters... other than that, working out a business transaction quickly to buy the domain and site from him....

so what do you say, are you up for a game of "hot potato"?

please let us know asap- this opportunity is very, very timely!

THANKS!

Frank

Voteauction.  
Com



valuable educated

Subscribe | Email | Home

New projects

Past projects

Material

responsive

World

The Mutual Funds

- Frontier
- Education
- Labor
- Health
- Media
- Intellectual Property
- Biological Property
- Corporate Law
- Communications
- Net
- Magic Christian**
- High Risk
- Environment
- QuickTips
- All projects

The Mutual Fund Model

Investing in projects

Featured projects

**JOIN** Project SOFT:  
Corporatization of education

Suggest a project

FIND A

jump to:

## The Magic Christian Fund

New projects / The Mutual Funds / Magic Christian

### Nile Southern, manager

Founded on the third anniversary of Terry Southern's death, this fund has very high aesthetic yields, facilitated by the high mind-share of its primary concepts. Many of these projects have the brand name value-added of both Grand Guy Grand, internationally recognized prankster, and Terry Southern, author of the film *Dr. Strangelove* and an official Library of Congress National Treasure. As *Magic Christian* Fund Manager Nile Southern writes, "When contextually appropriate, we will post episodes from *The Magic Christian* (1957) fit for enactment against today's corporate power-elite who currently indoctrinate the masses into their arbitrary systems of consumption-driven power and control."

To discuss or help with a project, click on its NAME button.

NAME	FUNDS	US\$	NEED	DESCRIPTION (click here for help)
<b>VOTE</b>	magx net corp	US\$200	funds	"Set up an e-business that allows people to sell their votes directly to candidates, cutting out the politico middle men. This business will be profitable, and may also demonstrate the corruption of the corporate campaign contribution process. Proof for investors will be provided by a functional e-business and media coverage."
<b>WART</b>	magx	0	workers funds	"Create a social movement whose ultimate goal it will be to manifest, through the power of popular will, genital warts on George W. Bush. The would-be president will be infected with this unpleasant condition through mass mailings, a web site, and the creation of art depicting Bush with the condition. In this age of plutocracy our aim is to point out the uselessness of the voting booth in actualizing real, material changes, and to explore new possibilities for democracy."
<b>FCCA</b>	media magx	0	workers funds	"Replace a frequently aired commercial on a major market radio station with an announcement from 'station management' that the FCC has pronounced the Telecommunications Act of 1996 as being 'in poor taste. (The station's corporate owner) has been ordered to turn the station over to the public interest effective the first of the following month. Anyone with suggestions as to what to do with the station should call (the corporate owner's CEO) at (his or her private number).'"
<b>CARD</b>	magx quick	US\$180	workers funds	to "alter ordinary supermarket greeting card displays to reflect concerns that are never reflected in such displays (e.g. the virtues of eating free-range pork meat, the marriage of one's non-native boyfriend, or the execution of one's soulmate). Amount offered will depend upon specific project. (Cards may also simply be added to displays rather than altered in manufacturing.)" Design examples.
<b>9999</b>	magx quick	0	workers funds	"Distribute a large number of 'Out of Order' signs signed by something like the 'Aesthetics maintenance division,' for posting on ridiculously ugly objects, including clothing, cars, people, buildings.... Seeking suggestions for the text, and volunteers to print and distribute the signs widely."
<b>TMSQ</b>	media magx	US\$600	workers funds	to "rent two top floor rooms each in three Times Square hotels on a busy weekend night at the height of tourist season in New York. From the hotel windows, hang giant banners which read: 'New York welcomes Saddam Hussein'. The banner must display prominently several logos of large companies or municipal entities. Alternatives would be to rent a plane trailing a similar banner,

Delivered-To: hans@ubermorgen.com  
Date: Thu, 14 Sep 2000 06:49:57 +0200 (CEST)  
From: aaron <aaron@lo-res.org>  
To: hans@ubermorgen.com  
Subject: report of breakin Sep 11th-13th 2000 ubermorgen02.ubermorgen.com  
(fwd)

----- Forwarded message -----

Date: Thu, 14 Sep 2000 06:14:23 +0200 (CEST)  
From: aaron <aaron@lo-res.org>  
To: cert@cert.org  
Cc: max@fastforward.at, aaron@meta.lo-res.org  
Subject: report of breakin Sep 11th-13th 2000 ubermorgen02.ubermorgen.com

report of breakin Sep 11th-13th 2000  
on ubermorgen02.ubermorgen.com  
and attempted break-in at voteauction.com

aaron@meta.lo-res.org

[ NOTE: mails to other affected sites / sources of attack will be notified  
ASAP ]

system description:

-----  
RedHat Linux 6.2  
serving as developers machine, mysql db for ubermorgen.com  
(brother machine of voteauction.com which you might have heard of)

IP: 62.116.31.115  
server-housed at sil.at (Vienna)

summary report of break-in:

-----  
Sep 13th sil.at was informed that many portscans were issued from  
ubermorgen02 on the 12th in the night to universities, companies, etc. The  
machine was disconnected from the net next morning. At that time there  
was no sysadmin with detailed knowledge of the setup of this machine. I  
started my work recently and have not been involved with detailed setup on  
ubermorgen02.

On Sep 13th I briefly assessed the damage. No files seemed to be  
deleted. As a first measure all logins and all services were disabled  
except telnet from two specific hosts. Passwords were changed. Later it  
turned out that not only ssh was compromised but also telnetd. So this did  
not change anything. The machine was re-connected to the net since time  
was scarce and log files had to be copied to some other place via the net.

As a test a telnet attempt was made to ubermorgen02 while cjm@sil.at  
(sysadmin at our ISP) watched network traffic on the connected  
segment. The cracker was logged in again. Obviously the changing of the  
root password did not help in any way neither did changing  
/etc/hosts.allow and /etc/hosts.deny

A maybe panic reaction was to issue a shutdown. More detailed file  
system analysis will be present on Sep 14th evening local time.

We assume that ubermorgen02 was a close enough target to the host  
voteauction.com which was mentioned in the media recently in the last  
week(s). voteauction.com is also named ubermorgen03.ubermorgen.com and  
resides next to ubermorgen02.

Neither can we - at the present stage - 100% assure that other hosts in  
the ubermorgen.com domain have been compromised but we are fairly sure  
that this is not the case. It is also possible that the cracker has had  
root access for some time already.

actions taken on our side

-----  
this section documents actions which we undertook. Partly this is already  
described above. on 17:00 pm Sep 12th I got to the console. At that time  
the machine was taken offline already. I edited /etc/hosts.allow,  
/etc/hosts.deny as root (described above). Chris Mutter at sil.at (our  
ISP) discussed matters with me via phone. A maybe panic reaction was to  
kill off unnesesary processes such as qmail. Then a quick check into



/var/log/\* was done revealing what had been going on. I wrote down some IP addresses which were involved at that time. A backup copy of /var was made as /var.bak. Then a "find / -atime +2" and a search on SUID files was done. The first search revealed that /dev/sdc0 was a directory and contained subdirectories such as .lproc and programs for packet sniffing. One of the files revealed that the attacker had been collecting a huge amount of passwords from the net. sil.at provides server-housing for many local customers on this net. The log file was something like 500,000 lines long. At that time everything but telnetd was turned off (see above). Due to time pressure I had to leave and wanted to connect from a specific machine outside. So the targeted pc was re-connected to the net. I left at approx. 19:00 local time.

At approx. 19:30 I telneted in. So did Chris Mutter from sil.at. After realizing the attacker was still present I issued "shutdown -h now" This was at approx. 23:00

technical details of the break-in:

-----  
 First attempts in the log files which we can see show that he used a buffer overflow attack. modprobe will try to locate a module called <somebinarytexthere>. However this still remains dubious. The second entry is probably DNS related: named (version 8.2.2-P3) is started, eth0 is set to promiscuous mode. Then there is a time delay. It is pretty obvious that in the meantime (between Sep 11th 7:41 and Sep 12th 00:30) /var/log/messages entries were deleted manually. .bash\_history will hopefully reveal more.

The next wave is an attack on fingerd: connects from different IPs (listed at the end of this section) and ICMP broadcasts are visible. During this wave we can infer that the attacker used quite a few hosts spread around the globe (Israel, US, ...). This attack lasts from approx. 0:30 to 12:00. At this point the attacker has (at the latest) root ssh, telnet and ftp access. We assume that at that point a new version of egcs was installed and a root-toolkit was compiled effectively replacing at least telnetd, sshd, finger, ls, ... with own versions. At 19:45 the attacker tries to send ICMP source route packets. From then on: lots of finger, ICMP, telnet, ftp and ssh connections.

Since - as said above - the machine has not had proper sysadministration the log entries are rather sparse considered the amount of messages that could have been generated.

More in-depth discussion if technical issues following if necessary...

Reference: /var/log/messages file

-----  
 [ NOTE: sysadmins at possible sources of attack / possible targets will be notified asap ]

```
Sep 10 04:02:00 ubermorgen02 syslogd 1.3-3: restart.
Sep 10 04:02:00 ubermorgen02 syslogd 1.3-3: restart.
Sep 10 04:02:00 ubermorgen02 syslogd 1.3-3: restart.
Sep 10 04:02:00 ubermorgen02 syslogd 1.3-3: restart.
Sep 10 04:02:00 ubermorgen02 syslogd 1.3-3: restart.
Sep 10 04:22:00 ubermorgen02 anacron[9730]: Updated timestamp for job `cron.weekly' to 2000-09-10
Sep 10 04:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 04:27:13 ubermorgen02 named[31663]: USAGE 968552833 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 04:27:13 ubermorgen02 named[31663]: NSTATS 968552833 967699632
Sep 10 04:27:13 ubermorgen02 named[31663]: XSTATS 968552833 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SSysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 05:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 05:27:13 ubermorgen02 named[31663]: USAGE 968556433 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 05:27:13 ubermorgen02 named[31663]: NSTATS 968556433 967699632
Sep 10 05:27:13 ubermorgen02 named[31663]: XSTATS 968556433 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SSysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 06:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 06:27:13 ubermorgen02 named[31663]: USAGE 968560033 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 06:27:13 ubermorgen02 named[31663]: NSTATS 968560033 967699632
Sep 10 06:27:13 ubermorgen02 named[31663]: XSTATS 968560033 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SSysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 07:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 07:27:13 ubermorgen02 named[31663]: USAGE 968563633 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 07:27:13 ubermorgen02 named[31663]: NSTATS 968563633 967699632
Sep 10 07:27:13 ubermorgen02 named[31663]: XSTATS 968563633 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SSysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
```

## Weitere Meldungen:

Journalen sind erfolgreichste Ö1-Sendungen  
Eurosport öffnet Österreichfenster im Web  
82 Mio. Europäer haben privaten Internet-Zugang  
Deutsche "Nature"-Site startet

**meldung**

pte000908030

**Computer/Telekommunikation, Recht/Steuer**

### **Österreicher versteigert US-Wählerstimmen im Web Bis zu 100 Dollar für eine Stimme**

Sofia (pte, 8. September 00/14:08) - Ein Österreicher hat eine US-amerikanische Web-Seite <http://www.voteauction.com> eines Studenten übernommen, auf der Wählerstimmen für die amerikanische Präsidentenwahl versteigert wurden. Nachdem die Seite letztes Monat in den Vereinigten Staaten vom Netz genommen wurde, hat der Österreicher die Idee aufgegriffen und seinen Server in Bulgarien stationiert, womit er die Zuständigkeit der amerikanischen Behörden ausschaltete.

Für Stimmen von Versteigerern werden angeblich bis zu 100 Dollar geboten. Die Abgabe der richtigen Stimme muss dabei entweder durch Briefwahl oder durch ein Foto des Stimmzettels belegt werden. Teilweise vertraue man aber einfach auf die Ehrlichkeit der Wähler. Der amerikanische Student wollte mit seiner Site ursprünglich in satirischer Form gegen die "plutokratische" amerikanische Gesellschaft protestieren.

Der österreichische Betreiber kann sich vorstellen, Versteigerungen dieser Art auch in Europa anzubieten. Er sehe die amerikanische Wahl als eine Art "Pilotprojekt". Der Kauf einer Stimme auf seiner Website sei schließlich nichts anderes als das Einlösen eines Wahlversprechens eines Kandidaten.  
(Ende)

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email: [scheiber@presstext.at](mailto:scheiber@presstext.at),  
Tel. 01/81140-314

**pte.**  
Presstext

```
Sep 10 08:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 08:27:13 ubermorgen02 named[31663]: USAGE 968567233 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 08:27:13 ubermorgen02 named[31663]: NSTATS 968567233 967699632
Sep 10 08:27:13 ubermorgen02 named[31663]: XSTATS 968567233 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 09:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 09:27:13 ubermorgen02 named[31663]: USAGE 968570833 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 09:27:13 ubermorgen02 named[31663]: NSTATS 968570833 967699632
Sep 10 09:27:13 ubermorgen02 named[31663]: XSTATS 968570833 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 10:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 10:27:13 ubermorgen02 named[31663]: USAGE 968574433 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 10:27:13 ubermorgen02 named[31663]: NSTATS 968574433 967699632
Sep 10 10:27:13 ubermorgen02 named[31663]: XSTATS 968574433 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 11:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 11:27:13 ubermorgen02 named[31663]: USAGE 968578033 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 11:27:13 ubermorgen02 named[31663]: NSTATS 968578033 967699632
Sep 10 11:27:13 ubermorgen02 named[31663]: XSTATS 968578033 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 12:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 12:27:13 ubermorgen02 named[31663]: USAGE 968581633 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 12:27:13 ubermorgen02 named[31663]: NSTATS 968581633 967699632
Sep 10 12:27:13 ubermorgen02 named[31663]: XSTATS 968581633 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 13:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 13:27:13 ubermorgen02 named[31663]: USAGE 968585233 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 13:27:13 ubermorgen02 named[31663]: NSTATS 968585233 967699632
Sep 10 13:27:13 ubermorgen02 named[31663]: XSTATS 968585233 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 14:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 14:27:13 ubermorgen02 named[31663]: USAGE 968588833 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 14:27:13 ubermorgen02 named[31663]: NSTATS 968588833 967699632
Sep 10 14:27:13 ubermorgen02 named[31663]: XSTATS 968588833 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 15:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 15:27:13 ubermorgen02 named[31663]: USAGE 968592433 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 15:27:13 ubermorgen02 named[31663]: NSTATS 968592433 967699632
Sep 10 15:27:13 ubermorgen02 named[31663]: XSTATS 968592433 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 16:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 16:27:13 ubermorgen02 named[31663]: USAGE 968596033 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 16:27:13 ubermorgen02 named[31663]: NSTATS 968596033 967699632
Sep 10 16:27:13 ubermorgen02 named[31663]: XSTATS 968596033 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 17:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 17:27:13 ubermorgen02 named[31663]: USAGE 968599633 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 17:27:13 ubermorgen02 named[31663]: NSTATS 968599633 967699632
Sep 10 17:27:13 ubermorgen02 named[31663]: XSTATS 968599633 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 18:10:07 ubermorgen02 sshd[12728]: log: Connection from 193.220.108.81 port 63024
Sep 10 18:10:59 ubermorgen02 sshd[12728]: log: Password authentication for sofia accepted.
Sep 10 18:13:33 ubermorgen02 sshd[12728]: fatal: Connection closed by remote host.
Sep 10 18:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 18:27:13 ubermorgen02 named[31663]: USAGE 968603233 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 18:27:13 ubermorgen02 named[31663]: NSTATS 968603233 967699632
Sep 10 18:27:13 ubermorgen02 named[31663]: XSTATS 968603233 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 19:05:51 ubermorgen02 sshd[11419]: log: Generating new 768 bit RSA key.
Sep 10 19:05:52 ubermorgen02 sshd[11419]: log: RSA key generation complete.
Sep 10 19:21:10 ubermorgen02 kernel: eth0: Transmit error, Tx status register 82.
Sep 10 19:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 19:27:13 ubermorgen02 named[31663]: USAGE 968606833 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 19:27:13 ubermorgen02 named[31663]: NSTATS 968606833 967699632
Sep 10 19:27:13 ubermorgen02 named[31663]: XSTATS 968606833 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 19:27:41 ubermorgen02 sshd[12833]: log: Connection from 193.220.108.81 port 63260
Sep 10 19:27:58 ubermorgen02 sshd[12833]: log: Password authentication for sofia accepted.
Sep 10 19:28:10 ubermorgen02 sshd[12833]: log: Closing connection to 193.220.108.81
Sep 10 19:30:30 ubermorgen02 kernel: eth0: Transmit error, Tx status register 82.
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Sep 10 19:31:27 ubermorgen02 kernel: eth0: Transmit error, Tx status register 82.
Sep 10 19:33:38 ubermorgen02 last message repeated 2 times
Sep 10 19:37:56 ubermorgen02 last message repeated 3 times
Sep 10 19:41:05 ubermorgen02 kernel: eth0: Transmit error, Tx status register 82.
Sep 10 19:42:06 ubermorgen02 last message repeated 2 times
Sep 10 19:46:23 ubermorgen02 last message repeated 2 times
Sep 10 19:47:57 ubermorgen02 last message repeated 3 times
Sep 10 19:50:43 ubermorgen02 kernel: eth0: Transmit error, Tx status register 82.
Sep 10 19:52:33 ubermorgen02 last message repeated 3 times
Sep 10 19:54:07 ubermorgen02 last message repeated 2 times
Sep 10 19:55:09 ubermorgen02 last message repeated 5 times
Sep 10 19:56:31 ubermorgen02 last message repeated 5 times
Sep 10 19:58:01 ubermorgen02 last message repeated 3 times
Sep 10 19:59:42 ubermorgen02 kernel: eth0: Transmit error, Tx status register 82.
Sep 10 20:01:01 ubermorgen02 last message repeated 2 times
Sep 10 20:02:09 ubermorgen02 last message repeated 4 times
Sep 10 20:03:21 ubermorgen02 last message repeated 2 times
Sep 10 20:03:33 ubermorgen02 last message repeated 2 times
Sep 10 20:05:52 ubermorgen02 sshd[11419]: log: Generating new 768 bit RSA key.
Sep 10 20:05:52 ubermorgen02 sshd[11419]: log: RSA key generation complete.
Sep 10 20:06:15 ubermorgen02 kernel: eth0: Transmit error, Tx status register 82.
Sep 10 20:07:51 ubermorgen02 kernel: eth0: Transmit error, Tx status register 82.
Sep 10 20:09:01 ubermorgen02 last message repeated 3 times
Sep 10 20:10:58 ubermorgen02 last message repeated 3 times
Sep 10 20:12:08 ubermorgen02 last message repeated 5 times
Sep 10 20:17:27 ubermorgen02 kernel: eth0: Transmit error, Tx status register 82.
Sep 10 20:18:52 ubermorgen02 kernel: eth0: Transmit error, Tx status register 82.
Sep 10 20:20:12 ubermorgen02 last message repeated 3 times
Sep 10 20:26:33 ubermorgen02 last message repeated 3 times
Sep 10 20:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 20:27:13 ubermorgen02 named[31663]: USAGE 968610433 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 20:27:13 ubermorgen02 named[31663]: NSTATS 968610433 967699632
Sep 10 20:27:13 ubermorgen02 named[31663]: XSTATS 968610433 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SSysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 20:27:29 ubermorgen02 kernel: eth0: Transmit error, Tx status register 82.
Sep 10 20:29:52 ubermorgen02 last message repeated 2 times
Sep 10 20:30:59 ubermorgen02 last message repeated 9 times
Sep 10 20:32:17 ubermorgen02 last message repeated 4 times
Sep 10 20:34:03 ubermorgen02 last message repeated 9 times
Sep 10 20:35:26 ubermorgen02 last message repeated 7 times
Sep 10 20:36:29 ubermorgen02 last message repeated 11 times
Sep 10 20:37:45 ubermorgen02 last message repeated 11 times
Sep 10 20:39:03 ubermorgen02 last message repeated 6 times
Sep 10 20:40:13 ubermorgen02 last message repeated 5 times
Sep 10 20:41:26 ubermorgen02 last message repeated 13 times
Sep 10 20:42:29 ubermorgen02 last message repeated 16 times
Sep 10 20:43:32 ubermorgen02 last message repeated 25 times
Sep 10 20:43:42 ubermorgen02 last message repeated 6 times
Sep 10 21:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 21:27:13 ubermorgen02 named[31663]: USAGE 968614033 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 21:27:13 ubermorgen02 named[31663]: NSTATS 968614033 967699632
Sep 10 21:27:13 ubermorgen02 named[31663]: XSTATS 968614033 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SSysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 21:38:22 ubermorgen02 sshd[12948]: log: Connection from 193.220.108.81 port 63431
Sep 10 21:46:06 ubermorgen02 sshd[12948]: log: Password authentication for sofia accepted.
Sep 10 21:57:21 ubermorgen02 sshd[12948]: log: Closing connection to 193.220.108.81
Sep 10 22:05:52 ubermorgen02 sshd[11419]: log: Generating new 768 bit RSA key.
Sep 10 22:05:52 ubermorgen02 sshd[11419]: log: RSA key generation complete.
Sep 10 22:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 22:27:13 ubermorgen02 named[31663]: USAGE 968617633 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 22:27:13 ubermorgen02 named[31663]: NSTATS 968617633 967699632
Sep 10 22:27:13 ubermorgen02 named[31663]: XSTATS 968617633 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SSysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 10 23:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 10 23:27:13 ubermorgen02 named[31663]: USAGE 968621233 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 10 23:27:13 ubermorgen02 named[31663]: NSTATS 968621233 967699632
Sep 10 23:27:13 ubermorgen02 named[31663]: XSTATS 968621233 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SSysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 11 00:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 11 00:27:13 ubermorgen02 named[31663]: USAGE 968624833 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 11 00:27:13 ubermorgen02 named[31663]: NSTATS 968624833 967699632
Sep 11 00:27:13 ubermorgen02 named[31663]: XSTATS 968624833 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SSysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 11 01:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 11 01:27:13 ubermorgen02 named[31663]: USAGE 968628433 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 11 01:27:13 ubermorgen02 named[31663]: NSTATS 968628433 967699632
Sep 11 01:27:13 ubermorgen02 named[31663]: XSTATS 968628433 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
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RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 11 01:56:39 ubermorgen02 kernel: eth0: Transmit error, Tx status register 82.
Sep 11 01:57:44 ubermorgen02 kernel: eth0: Transmit error, Tx status register 82.
Sep 11 02:00:11 ubermorgen02 kernel: eth0: Transmit error, Tx status register 82.
Sep 11 02:02:10 ubermorgen02 last message repeated 2 times
Sep 11 02:03:15 ubermorgen02 kernel: eth0: Transmit error, Tx status register 82.
Sep 11 02:04:22 ubermorgen02 last message repeated 4 times
Sep 11 02:07:12 ubermorgen02 last message repeated 8 times
Sep 11 02:08:05 ubermorgen02 last message repeated 8 times
Sep 11 02:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 11 02:27:13 ubermorgen02 named[31663]: USAGE 968632033 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 11 02:27:13 ubermorgen02 named[31663]: NSTATS 968632033 967699632
Sep 11 02:27:13 ubermorgen02 named[31663]: XSTATS 968632033 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 11 03:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 11 03:27:13 ubermorgen02 named[31663]: USAGE 968635633 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 11 03:27:13 ubermorgen02 named[31663]: NSTATS 968635633 967699632
Sep 11 03:27:13 ubermorgen02 named[31663]: XSTATS 968635633 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 11 04:02:00 ubermorgen02 anacron[13176]: Updated timestamp for job `cron.daily' to 2000-09-11
Sep 11 04:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 11 04:27:13 ubermorgen02 named[31663]: USAGE 968639233 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 11 04:27:13 ubermorgen02 named[31663]: NSTATS 968639233 967699632
Sep 11 04:27:13 ubermorgen02 named[31663]: XSTATS 968639233 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 11 05:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 11 05:27:13 ubermorgen02 named[31663]: USAGE 968642833 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 11 05:27:13 ubermorgen02 named[31663]: NSTATS 968642833 967699632
Sep 11 05:27:13 ubermorgen02 named[31663]: XSTATS 968642833 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 11 06:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 11 06:27:13 ubermorgen02 named[31663]: USAGE 968646433 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 11 06:27:13 ubermorgen02 named[31663]: NSTATS 968646433 967699632
Sep 11 06:27:13 ubermorgen02 named[31663]: XSTATS 968646433 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 11 07:05:18 ubermorgen02 modprobe: modprobe: Can't locate module         
Sep 11 07:05:18 ubermorgen02 modprobe: modprobe: Can't locate module ^P        
Sep 11 07:06:35 ubermorgen02 modprobe: modprobe: Can't locate module         
Sep 11 07:06:35 ubermorgen02 modprobe: modprobe: Can't locate module ^P        
Sep 11 07:27:13 ubermorgen02 named[31663]: Cleaned cache of 0 RRsets
Sep 11 07:27:13 ubermorgen02 named[31663]: USAGE 968650033 967699632 CPU=0u/0s CHILDCPU=0u/0s
Sep 11 07:27:13 ubermorgen02 named[31663]: NSTATS 968650033 967699632
Sep 11 07:27:13 ubermorgen02 named[31663]: XSTATS 968650033 967699632 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=0 SFwdQ=0 SDupQ=0 SErr=0 RQ=0 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 11 07:31:46 ubermorgen02 named[17249]: starting. named 8.2.2-P3 Thu Nov 11 01:20:31 EST 1999
^Iroot@porky.devel.redhat.com:/usr/src/bs/BUILD/bind-8.2.2_P3/src/bin/named
Sep 11 07:31:46 ubermorgen02 named[17249]: hint zone "" (IN) loaded (serial 0)
Sep 11 07:31:46 ubermorgen02 named[17249]: Zone "0.0.127.in-addr.arpa" (file named.local): No default TTL set
using SOA minimum instead
Sep 11 07:31:46 ubermorgen02 named[17249]: master zone "0.0.127.in-addr.arpa" (IN) loaded (serial 1997022700)
Sep 11 07:31:46 ubermorgen02 named[17249]: ctl_server: bind: Address already in use
Sep 11 07:31:46 ubermorgen02 named[31663]: ctl_writedone: /var/run/ndc: Broken pipe
Sep 11 07:31:49 ubermorgen02 kernel: eth0: Setting promiscuous mode.
Sep 11 07:32:54 ubermorgen02 syslogd 1.3-3: restart.
Sep 11 07:33:56 ubermorgen02 syslogd 1.3-3: restart.
Sep 11 07:35:46 ubermorgen02 named[17249]: There may be a name server already running on [62.116.31.115].53
Sep 11 07:35:46 ubermorgen02 named[17249]: deleting interface [62.116.31.115].53
Sep 11 07:35:46 ubermorgen02 named[17249]: not listening on any interfaces
Sep 11 07:35:46 ubermorgen02 named[17249]: Forwarding source address is [0.0.0.0].1201
Sep 11 07:35:46 ubermorgen02 named[18096]: Ready to answer queries.
Sep 11 07:38:10 ubermorgen02 PAM_pwdb[18101]: (su) session opened for user dev by (uid=0)
Sep 11 07:40:04 ubermorgen02 PAM_pwdb[18101]: (su) session closed for user dev
Sep 11 07:40:53 ubermorgen02 modprobe: modprobe: Can't locate module         
Sep 11 07:40:53 ubermorgen02 modprobe: modprobe: Can't locate module ^P        
Sep 11 07:41:17 ubermorgen02 named[18236]: starting. named 8.2.2-P3 Thu Nov 11 01:20:31 EST 1999
^Iroot@porky.devel.redhat.com:/usr/src/bs/BUILD/bind-8.2.2_P3/src/bin/named
Sep 11 07:41:17 ubermorgen02 named[18236]: hint zone "" (IN) loaded (serial 0)
Sep 11 07:41:17 ubermorgen02 named[18236]: Zone "0.0.127.in-addr.arpa" (file named.local): No default TTL set
using SOA minimum instead
Sep 11 07:41:17 ubermorgen02 named[18236]: master zone "0.0.127.in-addr.arpa" (IN) loaded (serial 1997022700)
Sep 11 07:41:17 ubermorgen02 named[18236]: ctl_server: bind: Address already in use
Sep 11 07:41:19 ubermorgen02 kernel: eth0: Setting promiscuous mode.
Sep 12 00:30:21 ubermorgen02 syslogd 1.3-3: restart.
Sep 12 00:30:32 ubermorgen02 syslogd 1.3-3: restart.
Sep 12 00:30:41 ubermorgen02 syslogd 1.3-3: restart.

```



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Sep 12 00:42:15 ubermorgen02 named[18591]: Cleaned cache of 0 RRsets
Sep 12 00:42:15 ubermorgen02 named[18591]: USAGE 968712135 968650935 CPU=0u/0.01s CHILDCPU=0u/0s
Sep 12 00:42:15 ubermorgen02 named[18591]: NSTATS 968712135 968650935 TXT=1
Sep 12 00:42:15 ubermorgen02 named[18591]: XSTATS 968712135 968650935 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=1 SFwdQ=0 SDupQ=0 SErr=0 RQ=1 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 12 01:10:34 ubermorgen02 in.fingerd[26685]: connect from 199.34.28.91
Sep 12 01:10:37 ubermorgen02 in.fingerd[26687]: connect from 216.144.137.67
Sep 12 01:42:15 ubermorgen02 named[18591]: Cleaned cache of 0 RRsets
Sep 12 01:42:15 ubermorgen02 named[18591]: USAGE 968715735 968650935 CPU=0u/0.01s CHILDCPU=0u/0s
Sep 12 01:42:15 ubermorgen02 named[18591]: NSTATS 968715735 968650935 TXT=1
Sep 12 01:42:15 ubermorgen02 named[18591]: XSTATS 968715735 968650935 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=1 SFwdQ=0 SDupQ=0 SErr=0 RQ=1 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 12 01:42:38 ubermorgen02 in.fingerd[26927]: connect from 62.136.74.195
Sep 12 01:45:39 ubermorgen02 in.fingerd[26949]: connect from 216.145.17.179
Sep 12 02:06:39 ubermorgen02 kernel: 212.143.104.169 sent an invalid ICMP error to a broadcast.
Sep 12 02:06:39 ubermorgen02 kernel: 212.143.104.181 sent an invalid ICMP error to a broadcast.
Sep 12 02:07:04 ubermorgen02 kernel: 212.143.106.89 sent an invalid ICMP error to a broadcast.
Sep 12 02:07:48 ubermorgen02 kernel: 212.143.110.53 sent an invalid ICMP error to a broadcast.
Sep 12 02:17:17 ubermorgen02 kernel: eth0: Transmit error, Tx status register 82.
Sep 12 02:17:48 ubermorgen02 last message repeated 2 times
Sep 12 02:19:12 ubermorgen02 last message repeated 5 times
Sep 12 02:20:33 ubermorgen02 last message repeated 4 times
Sep 12 02:21:51 ubermorgen02 last message repeated 3 times
Sep 12 02:22:56 ubermorgen02 last message repeated 8 times
Sep 12 02:23:33 ubermorgen02 last message repeated 10 times
Sep 12 02:32:46 ubermorgen02 kernel: 216.145.200.1 sent an invalid ICMP error to a broadcast.
Sep 12 02:42:15 ubermorgen02 named[18591]: Cleaned cache of 0 RRsets
Sep 12 02:42:15 ubermorgen02 named[18591]: USAGE 968719335 968650935 CPU=0u/0.01s CHILDCPU=0u/0s
Sep 12 02:42:15 ubermorgen02 named[18591]: NSTATS 968719335 968650935 TXT=1
Sep 12 02:42:15 ubermorgen02 named[18591]: XSTATS 968719335 968650935 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=1 SFwdQ=0 SDupQ=0 SErr=0 RQ=1 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 12 03:06:43 ubermorgen02 sshd[27362]: log: Connection from 193.220.108.81 port 62298
Sep 12 03:08:48 ubermorgen02 sshd[27362]: log: Password authentication for sofia accepted.
Sep 12 03:42:15 ubermorgen02 named[18591]: Cleaned cache of 0 RRsets
Sep 12 03:42:15 ubermorgen02 named[18591]: USAGE 968722935 968650935 CPU=0u/0.01s CHILDCPU=0u/0s
Sep 12 03:42:15 ubermorgen02 named[18591]: NSTATS 968722935 968650935 TXT=1
Sep 12 03:42:15 ubermorgen02 named[18591]: XSTATS 968722935 968650935 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=1 SFwdQ=0 SDupQ=0 SErr=0 RQ=1 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 12 04:02:00 ubermorgen02 anacron[27559]: Updated timestamp for job `cron.daily' to 2000-09-12
Sep 12 04:05:55 ubermorgen02 sshd[11419]: log: Generating new 768 bit RSA key.
Sep 12 04:05:55 ubermorgen02 sshd[11419]: log: RSA key generation complete.
Sep 12 04:13:42 ubermorgen02 in.fingerd[27710]: connect from 212.137.215.239
Sep 12 04:13:55 ubermorgen02 in.fingerd[27712]: connect from 212.137.215.239
Sep 12 04:42:15 ubermorgen02 named[18591]: Cleaned cache of 0 RRsets
Sep 12 04:42:15 ubermorgen02 named[18591]: USAGE 968726535 968650935 CPU=0u/0.01s CHILDCPU=0u/0s
Sep 12 04:42:15 ubermorgen02 named[18591]: NSTATS 968726535 968650935 TXT=1
Sep 12 04:42:15 ubermorgen02 named[18591]: XSTATS 968726535 968650935 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=1 SFwdQ=0 SDupQ=0 SErr=0 RQ=1 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 12 05:28:33 ubermorgen02 in.fingerd[27862]: connect from 212.141.91.161
Sep 12 05:28:59 ubermorgen02 in.fingerd[27864]: connect from 212.141.91.161
Sep 12 05:29:08 ubermorgen02 in.fingerd[27866]: connect from 212.141.91.161
Sep 12 05:29:27 ubermorgen02 in.ntalkd[27868]: connect from 212.141.91.161
Sep 12 05:29:28 ubermorgen02 talkd[27868]: 212.141.91.161: bad dns
Sep 12 05:29:31 ubermorgen02 last message repeated 2 times
Sep 12 05:29:31 ubermorgen02 talkd[27868]: recvfrom: Connection refused
Sep 12 05:33:59 ubermorgen02 sshd[27362]: fatal: Read error from remote host: Connection reset by peer
Sep 12 05:42:15 ubermorgen02 named[18591]: Cleaned cache of 0 RRsets
Sep 12 05:42:15 ubermorgen02 named[18591]: USAGE 968730135 968650935 CPU=0u/0.01s CHILDCPU=0u/0s
Sep 12 05:42:15 ubermorgen02 named[18591]: NSTATS 968730135 968650935 TXT=1
Sep 12 05:42:15 ubermorgen02 named[18591]: XSTATS 968730135 968650935 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=1 SFwdQ=0 SDupQ=0 SErr=0 RQ=1 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 12 05:59:49 ubermorgen02 in.fingerd[28182]: connect from 216.148.253.10
Sep 12 05:59:49 ubermorgen02 in.fingerd[28183]: connect from 216.148.253.10
Sep 12 05:59:49 ubermorgen02 in.fingerd[28186]: connect from 216.148.253.10
Sep 12 05:59:49 ubermorgen02 in.fingerd[28185]: connect from 216.148.253.10
Sep 12 05:59:49 ubermorgen02 in.fingerd[28184]: connect from 216.148.253.10
Sep 12 05:59:49 ubermorgen02 in.fingerd[28187]: connect from 216.148.253.10
Sep 12 05:59:50 ubermorgen02 in.fingerd[28188]: connect from 216.148.253.10
Sep 12 05:59:50 ubermorgen02 in.fingerd[28189]: connect from 216.148.253.10
Sep 12 05:59:50 ubermorgen02 in.fingerd[28200]: connect from 216.148.253.10
Sep 12 05:59:50 ubermorgen02 in.fingerd[28199]: connect from 216.148.253.10
Sep 12 05:59:50 ubermorgen02 in.fingerd[28190]: connect from 216.148.253.10
Sep 12 05:59:50 ubermorgen02 in.fingerd[28201]: connect from 216.148.253.10
Sep 12 05:59:50 ubermorgen02 in.fingerd[28202]: connect from 216.148.253.10
Sep 12 05:59:50 ubermorgen02 in.fingerd[28203]: connect from 216.148.253.10
Sep 12 05:59:50 ubermorgen02 in.fingerd[28211]: connect from 216.148.253.10
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Sep 12 05:59:50 ubermorgen02 in.fingerd[28209]: connect from 216.148.253.10
Sep 12 05:59:50 ubermorgen02 in.fingerd[28213]: connect from 216.148.253.10
Sep 12 05:59:50 ubermorgen02 in.fingerd[28210]: connect from 216.148.253.10
Sep 12 05:59:50 ubermorgen02 in.fingerd[28212]: connect from 216.148.253.10
Sep 12 05:59:50 ubermorgen02 in.fingerd[28216]: connect from 216.148.253.10
Sep 12 05:59:53 ubermorgen02 in.fingerd[28221]: connect from 216.148.253.10
Sep 12 05:59:54 ubermorgen02 in.fingerd[28224]: connect from 216.148.253.10
Sep 12 06:00:50 ubermorgen02 in.fingerd[28231]: connect from 216.148.253.10
Sep 12 06:00:50 ubermorgen02 in.fingerd[28232]: connect from 216.148.253.10
Sep 12 06:00:50 ubermorgen02 in.fingerd[28233]: connect from 216.148.253.10
Sep 12 06:42:15 ubermorgen02 named[18591]: Cleaned cache of 0 RRsets
Sep 12 06:42:15 ubermorgen02 named[18591]: USAGE 968733735 968650935 CPU=0u/0.01s CHILDCPU=0u/0s
Sep 12 06:42:15 ubermorgen02 named[18591]: NSTATS 968733735 968650935 TXT=1
Sep 12 06:42:15 ubermorgen02 named[18591]: XSTATS 968733735 968650935 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=1 SFwdQ=0 SDupQ=0 SErr=0 RQ=1 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 12 07:42:15 ubermorgen02 named[18591]: Cleaned cache of 0 RRsets
Sep 12 07:42:15 ubermorgen02 named[18591]: USAGE 968737335 968650935 CPU=0u/0.01s CHILDCPU=0u/0s
Sep 12 07:42:15 ubermorgen02 named[18591]: NSTATS 968737335 968650935 TXT=1
Sep 12 07:42:15 ubermorgen02 named[18591]: XSTATS 968737335 968650935 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=1 SFwdQ=0 SDupQ=0 SErr=0 RQ=1 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 12 08:42:15 ubermorgen02 named[18591]: Cleaned cache of 0 RRsets
Sep 12 08:42:15 ubermorgen02 named[18591]: USAGE 968740935 968650935 CPU=0u/0.01s CHILDCPU=0u/0s
Sep 12 08:42:15 ubermorgen02 named[18591]: NSTATS 968740935 968650935 TXT=1
Sep 12 08:42:15 ubermorgen02 named[18591]: XSTATS 968740935 968650935 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=1 SFwdQ=0 SDupQ=0 SErr=0 RQ=1 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 12 08:50:32 ubermorgen02 kernel: 194.151.237.26 sent an invalid ICMP error to a broadcast.
Sep 12 08:50:32 ubermorgen02 kernel: 194.151.237.30 sent an invalid ICMP error to a broadcast.
Sep 12 08:50:32 ubermorgen02 kernel: 194.151.237.38 sent an invalid ICMP error to a broadcast.
Sep 12 08:50:33 ubermorgen02 kernel: 194.151.237.102 sent an invalid ICMP error to a broadcast.
Sep 12 08:50:34 ubermorgen02 kernel: 194.151.237.110 sent an invalid ICMP error to a broadcast.
Sep 12 09:22:57 ubermorgen02 in.fingerd[16560]: connect from 194.152.111.82
Sep 12 09:42:15 ubermorgen02 named[18591]: Cleaned cache of 0 RRsets
Sep 12 09:42:15 ubermorgen02 named[18591]: USAGE 968744535 968650935 CPU=0u/0.01s CHILDCPU=0u/0s
Sep 12 09:42:15 ubermorgen02 named[18591]: NSTATS 968744535 968650935 TXT=1
Sep 12 09:42:15 ubermorgen02 named[18591]: XSTATS 968744535 968650935 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=1 SFwdQ=0 SDupQ=0 SErr=0 RQ=1 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 12 10:42:15 ubermorgen02 named[18591]: Cleaned cache of 0 RRsets
Sep 12 10:42:15 ubermorgen02 named[18591]: USAGE 968748135 968650935 CPU=0u/0.01s CHILDCPU=0u/0s
Sep 12 10:42:15 ubermorgen02 named[18591]: NSTATS 968748135 968650935 TXT=1
Sep 12 10:42:15 ubermorgen02 named[18591]: XSTATS 968748135 968650935 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=1 SFwdQ=0 SDupQ=0 SErr=0 RQ=1 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 12 10:49:49 ubermorgen02 in.telnetd[17722]: connect from 194.153.198.71
Sep 12 10:50:16 ubermorgen02 login[17723]: invalid password for `UNKNOWN' on `pts/4' from `194.153.198.71'
Sep 12 10:50:23 ubermorgen02 inetd[18249]: pid 17722: exit status 1
Sep 12 11:42:15 ubermorgen02 named[18591]: Cleaned cache of 0 RRsets
Sep 12 11:42:15 ubermorgen02 named[18591]: USAGE 968751735 968650935 CPU=0u/0.01s CHILDCPU=0u/0s
Sep 12 11:42:15 ubermorgen02 named[18591]: NSTATS 968751735 968650935 TXT=1
Sep 12 11:42:15 ubermorgen02 named[18591]: XSTATS 968751735 968650935 RR=1 RNXD=0 RFwdR=0 RDupR=0 RFail=0
RFErr=0 RErr=0 RAXFR=0 RLame=0 ROpts=0 SsysQ=1 SAns=1 SFwdQ=0 SDupQ=0 SErr=0 RQ=1 RIQ=0 RFwdQ=0 RDupQ=0 RTCP=0
SFwdR=0 SFail=0 SFErr=0 SNaAns=0 SNXD=0
Sep 12 12:02:33 ubermorgen02 in.ftpd[18142]: connect from 216.154.119.29
Sep 12 12:02:33 ubermorgen02 sshd[18143]: log: Connection from 216.154.119.29 port 2301
Sep 12 12:02:33 ubermorgen02 in.telnetd[18144]: connect from 216.154.119.29
Sep 12 12:02:34 ubermorgen02 telnetd[18144]: tloop: peer died: EOF
Sep 12 12:02:34 ubermorgen02 inetd[18249]: pid 18144: exit status 1
Sep 12 12:02:34 ubermorgen02 in.fingerd[18145]: connect from 216.154.119.29
Sep 12 12:02:34 ubermorgen02 inetd[18249]: pid 18145: exit status 1
Sep 12 12:02:35 ubermorgen02 sshd[18143]: fatal: Did not receive ident string.
Sep 12 12:02:37 ubermorgen02 inetd[18249]: pid 18146: exit status 1
Sep 12 12:02:38 ubermorgen02 ftpd[18142]: FTP session closed
Sep 12 12:03:23 ubermorgen02 sshd[18147]: log: Connection from 216.154.119.29 port 3325
Sep 12 12:03:23 ubermorgen02 in.telnetd[18148]: connect from 216.154.119.29
Sep 12 12:03:23 ubermorgen02 in.ftpd[18149]: connect from 216.154.119.29
Sep 12 12:03:23 ubermorgen02 telnetd[18148]: tloop: peer died: EOF
Sep 12 12:03:23 ubermorgen02 inetd[18249]: pid 18148: exit status 1
Sep 12 12:03:23 ubermorgen02 sshd[18147]: fatal: Did not receive ident string.
Sep 12 12:03:23 ubermorgen02 in.fingerd[18151]: connect from 216.154.119.29
Sep 12 12:03:23 ubermorgen02 inetd[18249]: pid 18151: exit status 1
Sep 12 12:03:23 ubermorgen02 ftpd[18149]: FTP session closed
Sep 12 12:03:24 ubermorgen02 inetd[18249]: pid 18150: exit status 1
Sep 12 12:04:40 ubermorgen02 kernel: 194.154.246.22 sent an invalid ICMP error to a broadcast.
Sep 12 12:05:55 ubermorgen02 sshd[11419]: log: Generating new 768 bit RSA key.
Sep 12 12:05:56 ubermorgen02 sshd[11419]: log: RSA key generation complete.
Sep 12 12:29:41 ubermorgen02 kernel: 216.155.19.230 sent an invalid ICMP error to a broadcast.
Sep 12 12:42:15 ubermorgen02 named[18591]: Cleaned cache of 0 RRsets
Sep 12 12:42:15 ubermorgen02 named[18591]: USAGE 968755335 968650935 CPU=0u/0.01s CHILDCPU=0u/0s
Sep 12 12:42:15 ubermorgen02 named[18591]: NSTATS 968755335 968650935 TXT=1
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Delivered-To: hans@ubermorgen.com  
Date: Tue, 29 Aug 2000 01:15:57 -0400 (EDT)  
From: RTMark admin <admin@rtmark.com>  
To: Public Relations <pr@voteauction.com>  
cc: frank guerrero <frank@rtmark.com>, ccutter@schwartz-pr.com,  
hans@ubermorgen.com, willworkforfood@hotmail.com, baumgj@rpi.edu  
Subject: Re: Press release 3: ray edit 2

> It will be at least a couple of days before the database stuff is working so it  
> wouldn't hurt to hold off until then.  
>  
>  
>  
> > Voteauction.com relaunches under new ownership with new added features.  
>  
> > ----  
> > Election industry leader, voteauction.com, the first website to cut out  
> > the middleman and bring campaign contributions directly to the public,  
> > is re-launching to better serve the voting public.  
>  
> > Voteauction.com was launched on August 1 with the simple idea of  
> > bringing the big money of campaign contributions directly to the voting  
> > public. "When I saw that I would have to choose between Bush and Gore  
> > this year, I felt like staying home on election day," said  
> > Voteauction.com founder, James Baumgartner. "Then I heard about the  
> > hundreds of millions of dollars that the candidates have raised for this  
> > election and I realized that my vote is worth a lot of money. There are  
> > millions of people like me, and voteauction.com will help us earn money  
> > from our voting power."  
>  
> > After receiving a warning from the New York City Election Commission,  
> > Baumgartner decided to shut down the site. Not only is selling your vote  
> > illegal in New York, even offering your vote for sale is a felony. But even  
> > while voteauction.com was shut down, it was featured in the media, including  
> > wirednews.com, cnn.com, NY1 News, abcnews.com, and Minnesota Public Radio,  
> > among others.  
>  
>  
> I guess that's kind of an awkward sentence getting back to the stuff about the  
> media. Perhaps some of the bigger media references should be put in a list at  
> the top?

*Press -  
Release  
beta*

you mean totally separately? that would be unorthodox--i think it's ok as  
is, but keep only the important ones: maybe something like "it was being  
featured on television (ABC, NBC, CBS, CNN) and in print (AP, USA Today,  
New York Times, etc.)."

> >  
> > News about the site attracted the attention of Austrian entrepreneur Hans  
> > Bernhard, who made an offer to purchase voteauction.com. "As America  
> > continues to develop industries in new areas, this presents many  
> > opportunities for the foreign investor, " Bernhard said. "I believe that  
> > voteauction.com, as a technological pioneer in the elections industry, will  
> > be a great complement to other emerging American investment opportunities in  
> > the Corrections and Education industries."  
>  
> Perhaps the "Genetic Information Industry" sounds a bit too fake. I am sure  
> that it will come along in the next couple of years now that the Human Genome  
> Project is wrapping up.

yeah, it doesn't ring a bell offhand

> > Bernard is an e-commerce innovator whose meteoric business successes have  
> > combined an ability to marry emergent technologies with social needs. "I  
> > look for areas where new technologies can capitalize on social needs arising  
> > from de-regulation and privatization while simultaneously providing a service  
> > to individuals disenfranchised by the privatization process," says Bernhard,

privatization

> > "Voteauction.com represents a new paradigm in the election process where  
> > voters and campaign investors can come together directly."  
>  
> Although I like using "win-win" I wonder if anyone really says that anymore.  
> Instead, I like the other business buzzword favorite, "Paradigm."  
>  
>  
>  
> > Now under new ownership, voteauction.com promises improved features.  
>  
> > First there is the Voteauction Action Team (VAT.) VAT allows users to cash

(VAT).

> > in on their voting capital while avoiding the volatility of the  
volatility

> > voteauction.com market. VAT members will be able to download promotional  
> > material and graphics from the voteauction.com website. They can then market  
> > their votes directly to the campaign investors in their area. This will  
> > allow them to market their vote not only for President, but for any number of  
> > local and state elections. It will also help the campaign investor avoid the  
> > usual 10-15% overhead charged by most political consultants. VAT membership  
> > and all downloads will be provided free of charge.

you should explain why people would do this--actually, to tell the truth,  
i don't quite understand this VAT thing.... needs to be clearer i think.

> > Secondly, there is the Voteauction.com message board. This public forum will  
> > allow voteauction.com supporters and detractors to post their views on the  
> > voteauction.com mission. Voteauction.com has received many email supporting  
> > what we are trying to accomplish. We feel that a public message board is the  
> > best way for people to express their support or their [what's a better word  
> > than disgust?] of voteauction.com  
>  
> that could use a little more fleshing out.

yes--will re-look after it's fleshed out.

ray

> yeah, the rest of it is junk as far as a press release goes. Most of it has a  
> place on the website but not here  
>  
> > 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  
> > .....  
>  
> James  
>



Delivered-To: hans@ubermorgen.com  
Date: Wed, 30 Aug 2000 16:23:46 -0400 (EDT)  
From: RTMark admin <admin@rtmark.com>  
To: Public Relations <pr@voteauction.com>  
cc: ccutter@schwartz-pr.com, hans@ubermorgen.com, frank@rtark.com,  
willworkforfood@hotmail.com, baumgj@rpi.edu  
Subject: Re: press release v 3.1 (ray nags)

Voteauction

>>  
>> Voteauction.com re-launches under new ownership with new added  
> features.

snazzier title--something descriptive--"vote-auctioning website  
spruced up under new austrian ownership" or better--that's not so good  
either

>> ----  
>> Election industry leader, voteauction.com, the first web site to cut  
> out  
>> the middleman and bring campaign contributions directly to the public,  
>  
>> is re-launching to better serve the voting public.

i'd cut out "election industry leader" and just start with voteauction.com

>>  
>> Voteauction.com was launched on August 1 with the simple idea of  
>> bringing the big money of campaign contributions directly to the  
> voting  
>> public. "When I saw that I would have to choose between Bush and Gore  
>> this year, I felt like staying home on election day," said  
>> Voteauction.com founder, James Baumgartner. "Then I heard about the  
>> hundreds of millions of dollars that the candidates have raised for  
> this  
>> election and I realized that my vote is worth a lot of money. There  
> are  
>> millions of people like me, and voteauction.com will help us earn  
> money  
>> from our voting power."  
>  
> [above is the same paragraph that was in the previous press release - is  
> that acceptable?]

should be reworked a little--pretty close though

>> After receiving a warning from the New York City Election Commission,  
>> Baumgartner decided to shut down the site. Not only is selling your  
> vote  
>> illegal in New York, offering your vote for sale is also a felony. But  
> even  
>> while voteauction.com was shut down, it was featured in the media,

it was receiving wide attention from [i gave you the list last time--this  
one is no good--use the one i gave you or something like it]

> including  
>> wirednews.com, cnn.com, NY1 News, abcnews.com, Minnesota Public Radio,  
>  
>> associated press, and others.  
>>  
>>  
>> News about the site attracted the attention of Austrian entrepreneur  
> Hans  
>> Bernhard, who made an offer to purchase voteauction.com. "As America  
>> continues to develop industries in new areas, this presents many  
>> opportunities for the foreign investor," Bernhard said. "I believe  
> that  
>> voteauction.com, as a technological pioneer in the elections industry,  
> will  
>> be a great complement to other emerging American investment  
> opportunities in  
> the Corrections and Education industries."  
>  
>> Bernard is an e-commerce innovator whose meteoric business successes  
> have  
>> combined an ability to marry emergent technologies with social needs.  
> "I  
>> look for areas where new technologies can capitalize on social needs  
> arising  
>> from de-regulation and privatization while simultaneously providing a  
> service  
>> to individuals disenfranchised by the privatization process," says



> Bernhard,  
> > "Voteauction.com represents a new paradigm in the election process  
> where  
> > voters and campaign investors can come together directly. We are

what's the rest of the sentence?

> >  
> >  
> > Now under new ownership, voteauction.com promises improved features.

this is repetetive--"now under new ownership" "the new, improved  
voteauction.com ..."

>  
> > First there is the Voteauction Action Team (VAT.) VAT allows users to  
> cash  
> > in on their voting capital while avoiding the volatility of the  
> > voteauction.com market. VAT members will be able to download  
> promotional  
> > material and graphics from the voteauction.com web site. They can  
> then market  
> > their votes directly to the campaign contributors in their area. This  
> will  
> > allow them to market their vote not only for President, but for any  
> number of  
> > local and state elections. It will also help the campaign contributor  
> avoid the  
> > usual 10-15% overhead charged by most political consultants. VAT  
> membership  
> > and all downloads will be provided free of charge.

this still could use a little clarifying--so it's just marketing their own  
vote? might give a specific example--"they can download banners and place  
them on their home page, advertising that they will sell their vote for  
only \$50, for example"--is that right?

also, doesn't the \*whole system\* avoid the usual 10-15% overhead? why  
specifically this?

>  
> [I was considering saying {campaign investor} but since that is a term  
> that is not yet common, people might not realize that it is a sly  
> euphemism for {campaign contributor}]

i think that's ok--campaign investor... no?

>  
> > Secondly, there is the Voteauction.com message board. This public  
> forum will  
> > allow voteauction.com supporters and detractors to post their views on  
> the  
> > voteauction.com mission. Voteauction.com has received many emails  
> supporting  
> > what we are trying to accomplish. We feel that a public message board  
> is the  
> > best way for people to express their support or their [what's a better  
> word  
> > than disgust?] of voteauction.com

criticisms

>  
>  
>

To: baumgj@rpi.edu  
From: net\_CALLBOY <hans@ubermorgen.com>  
Subject: Re: USA Today reporter trying to reach you  
Cc: frank@rtmark.com, admin@rtmark.com  
Bcc:  
X-Attachments:

Hello: I am trying to reach you to talk about VoteAuction.com

they got me on etoy already.. kornblum from  
usa today came in with it straight.. i had to  
construct the etoy.HOLDING within about 10  
miliseconds, so etoy.com was just the art.company,  
the etoy.HOLDING is purely biz oriented holding  
with 7 companies

talked about my business interest in the affair,  
didnt disclose any amount being paid, said the  
domain shall be online within the next 2 days..

talked about high-risk venture, but also about  
the possibility to transfer it to one of our  
offshore companies if we get legal heat in  
europe..

so, the etoy.SHIT is in.. its just sticking  
to me..

hope this doesnt ruin the story, will try  
to keep it low..

hans

Could you send me the best way to reach you today?

Thank you,

Janet

\*\*\*\*\*

Janet Kornblum, jkornblum@usatoday.com

<http://ebriefing.usatoday.com>

415 221-7615

4644 Geary Blvd. PMB 143

San Francisco, CA 94118

mediahack.org

- user data
- polls results → (!)
- legal issues
- press-data → (!)
- list of supporters → (!)

web-site : registration : your data will not even be saved, has never been saved (!)

- presse-weltweit : ~~94entj52~~
- ICANN
- legal people

legal site!  
- mic.org

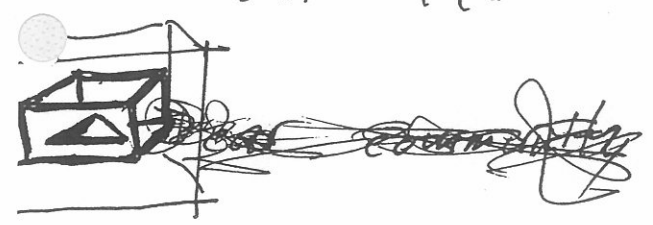


Intro

- Kapite 1 legal dep.
- Kap 2 Register dep.
- Kap 3 Analysis
- Kap 4 Technical Dep.

decentralized company / decentralized user

CASH - FLOW → VOTE FLOW



~~eValuation update~~

- eValuation update
- operation research
- operative goals overachieved
- optimum vote quantity
- practical capacity
- day-to-day vote development
- vote flow (aka cash-flow)
- performance votes
- Bundled votes

H ~~Payment by results~~

measures  
necessary changes in handling ~~vote~~ <sup>and redirecting</sup> continuous  
vote flow ~~is~~ ~~getting~~ ~~becoming~~ very dramatic!  
showing great success! hourly, there are new sets of  
hourly we design and introduce new sets of measures  
customized

large scale  
tangible vote assets  
media discount  
vote target group

multi-layer content analysis

emergency  
operation



choice criteria

~~the~~ waste votes disposal

decision matrix

inverse method of calculation

# Aufreissur

press) (1)

- brand-message
- company approach (volatility)
- ICANN / comenic position / legal
- Auction Action - financial market analogie, etc. - polls,

for PR on 7-10.11

auction statt gefunde + funktioniert + nicht funktioniert

our legal dept reports: our resistry dept reports: → s. vults

→ geschäfte laufen gut - abgesehen um jur/tech herausforderung  
laufe alles top. vobe-archi

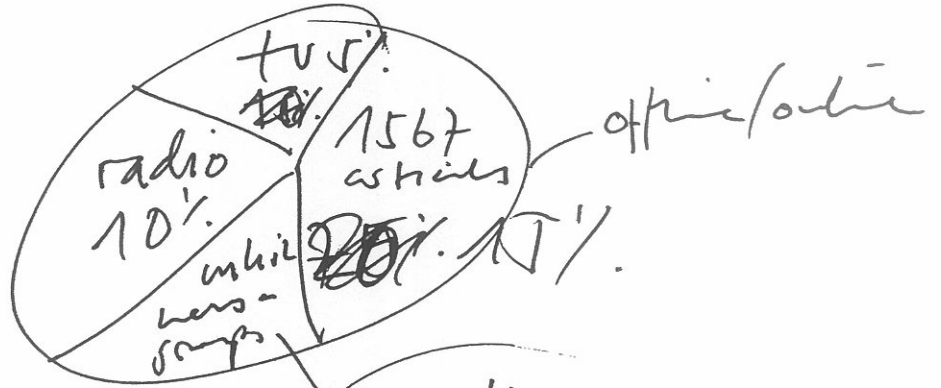
→ to be or not to be! just do it!

→ personal story, respective user-feedback positive happy

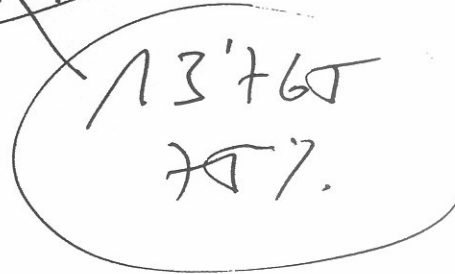
- URLs:
- well.com
  - pixelmassaker.com/voleaction
  - voleaction.primy.org
  - rtmark/voleaction
  - ...
  - ...

webs : — press. release

— stats with media-broker



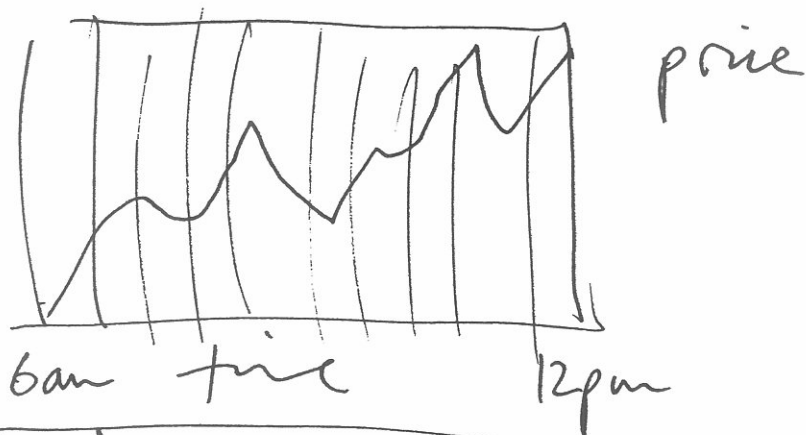
CPMs



— legal does & make

— logo / banner / buttons > pop-up!

— auction-watch



— hourly update | + order live script

press (2)

→ privacy statement + terms + conditions

→ disclaimer

→ kundenorientierung

● → Bidder info  
→ evaluation, 30% der  
Bids gekickt, wegen  
unvollst. data, etc.  
nicht korrekter bids, teching

Ufermofge.com THE COMPANY

→ an schluss:

- DADAISIEREN

→ BILD ! ANIM / f - press - release

Legal / political // unter welcher brand?

CoRoMNC.org → über was?  
heft

IX VJA zivil → ACW.org  
VJA-local

ICANN  
+ learn fore + communication

DOOR MANU RW FACT

Community / aktivisch



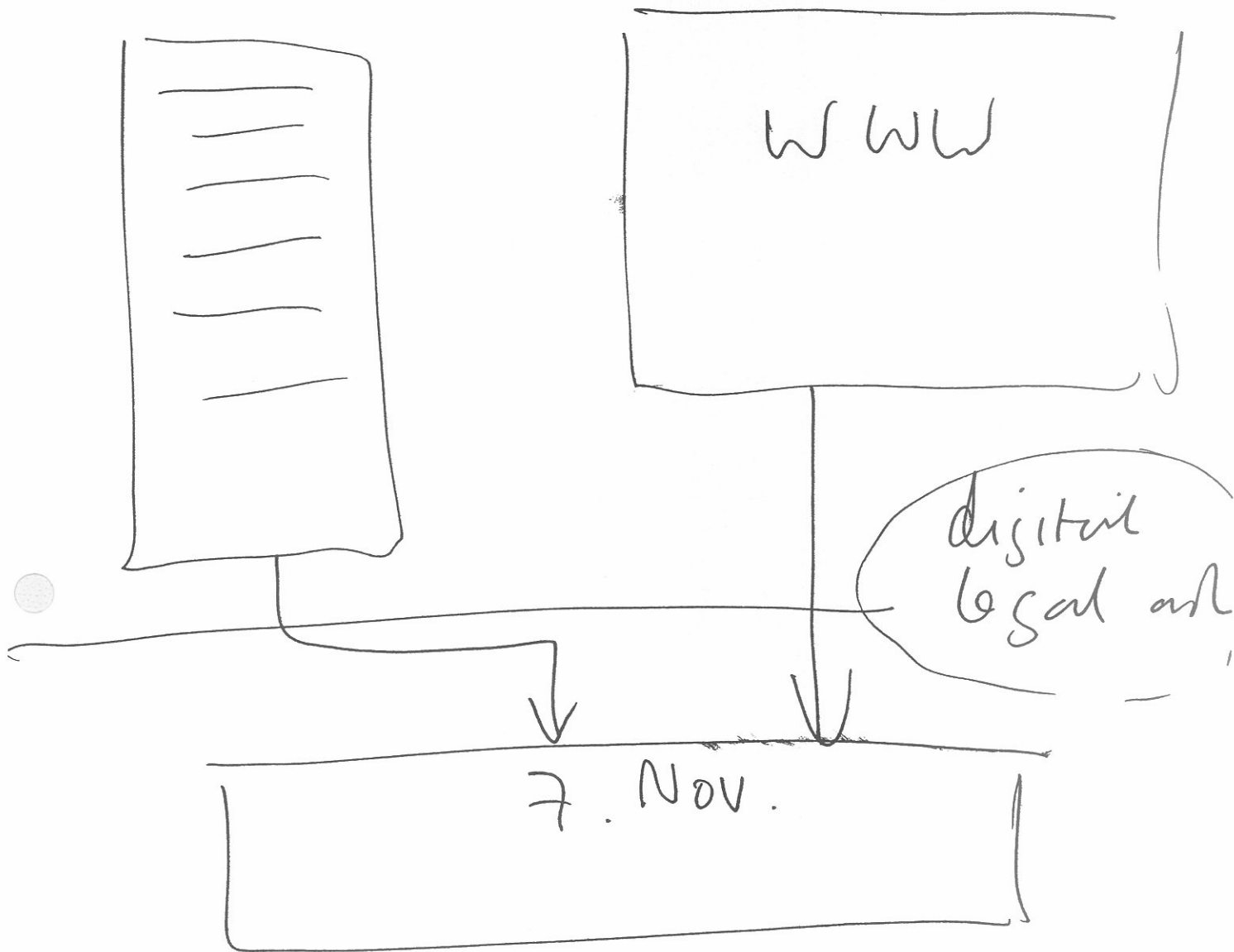
↓  
artistic  
ownership

↓  
political/  
legal  
ownership

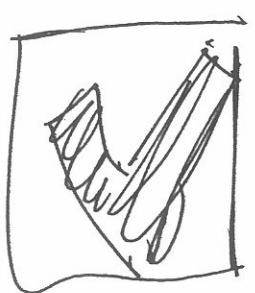
---

CORPORATE (ENTR AR)  
is a subdivision of  
Netar, Inc.

---



**V**ote-auction



BRAMY

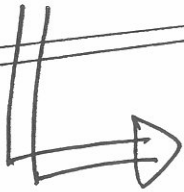
alex / snowboard community

→ termin !!!

---

Koreaner > email schicken!

---



Delivered-To: moni@ubermorgen.com  
To: <pr@vote-auction.com>  
Subject: Vote-auction.com back online  
Date: Sun, 22 Oct 2000 08:01:27 +0200  
From: <pr@vote-auction.com>  
X-Originating-IP: 212.84.244.173

FOR IMMEDIATE RELEASE

-----  
Vote-auction.com back online  
-----

Berlin, October 22, 2000

Below you find the latest press release by Vote-auction.com [formerly voteauction.com]. We have included the most relevant information on the latest developments of the site and the people and users behind it.

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

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

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

The "Leader of the Election Industry", vote-auction.com has regained access to the web via its new domain

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

During the past week, diverse rumours and hear-say has been passed concerning the website which explores the high-risk consumer markets of the American election industry.

The site's original domain had been ordered shut down by a local American court in the U.S. state of Illinois earlier this week. But whilst American authorities took their time and tax payers' money to legally pursue almost everybody related to the existence of the website, the owners of the site worked on a re-design and strategy paper for version 2.0 of the project.

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

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

- . domainbank.com: Domainbank inc., is the registry where the original domain "voteauction.com" is registered. It is defendant in named Chicago legal case.
- . silverserver.at: Both SILVER SERVER's president as

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

[V] (IL)legal Battle?

It remains open for discussion how it should be possible that a dns (domain name service) or an access provider could ever be responsible for contents accessible via domains they are providing routing services for. Vote-auction.com sees this as illegal practice in total violation of standards set by ICANN.

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

Concerning domainbank inc., this strategy seemed to work out for Chicago prosecutors: Because of domainbank being involved in the legal case, the provider "politely asked" vote-auction.com to provide them with a USD 100,000.00 bond for potential legal costs. Vote-auction.com decided not to comply. Instead, we asked them to transfer our "voteauction.com" domain to another provider. This order was not fulfilled by domainbank, as they had at that time already made a "deal" with Chicago authorities "not to move the domain anywhere", as we were told by one of domainbank's executives.

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

"SILVER SERVER clearly and fully supports vote-auction.com. SILVER SERVER president, o.o., is proud to be the billing contact for vote-auction.com. actually we received very interesting offers by investors to launch vote-auction.com in russia and japan."

[V] Users give full support - despite potential repression

Lots of users of Vote-auction.com have described their support in various emails. This is another reason why we decided not to wait to get back online until local U.S. legal authorities understand that Vote-auction.com works for and NOT against democracy. We will keep on protecting any data which has been submitted to us by trusting users.

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

[V] Where to go from here

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





Delivered-To: mailhans@ubermorgen.com  
Delivered-To: hans@ubermorgen.com  
Date: Mon, 13 Nov 2000 13:04:59 -0800  
To: net\_CALLBOY <hans@ubermorgen.com>  
From: one@hell.com  
Subject: Re: vote-A;;  
Cc: admin@rtmark.com, liz@ubermorgen.com

glad i was able to help...

dear k\_hell

wanted to thank you again for the hell.com  
redirect to [V]ote-auction.com! great action,  
got some nizzze feedbacks there, and totally  
kewl credibility for v-a and swell cocoo-  
branding;!

are planing to do press.release by mixing  
current us-election chaos with vote-auction  
messages, watch out.. hehehe..; if ya ever  
need a favoor from ubermorgen, just drop  
an email;;

ok, thx again!!  
greetz

hans\_e and lizvlx, ubermorgen.com

--

. . . . . : ::ubermorgen.com:: : . . . . .  
. . . . .  
. . . . . .mob +43-676-9300061. . . . .ema hans@ubermorgen.com. .  
. . . . . .fax +43-1-9681022. . . . .icq 38302022 . . . . .  
. . . . . .mob +49-175-2066954 . . . . .pgp 0xBA42D1B7 . . . . .  
. . . . . .www.keyserver.net. . . . .

..if you dont get help from us,please get help somewhere! . .  
. . . . .

. [V]ote-auction: <http://62.116.31.68> "bringing capitalism  
and demoCRAZY closer together":brought to you by ubermorgen  
. . . . .  
. <http://www.cnn.com/video/burden/2000/10/24/show.rm80.ram>  
. . . . .

. . . . .  
. . . . .  
. . . . . uberDISCLAIMER 01 :: : . . . . .  
. . . . .  
. . . . . the contents of this email, and any attachments, are . .  
. . . . . CONFIDENTIAL and intended only for the person[s] to whom . .  
. . . . . they are addressed:: if you have received the email in. . .  
. . . . . error, please notify the sender immediately and delete it . .  
. . . . . from your computer system:: do not copy or distribute it. . .  
. . . . . or disclose its contents to any person:: unless otherwise . .  
. . . . . stated, the views and opinions expressed in this email are.

. .personal to the sender and do not represent the official. .  
. .view of the company :: . . . . .  
. . . . .

Delivered-To: hans@ubermorgen.com  
X-Authentication-Warning: cortez.sss.rpi.edu: baumgj owned process doing -bs  
Date: Fri, 25 Aug 2000 01:58:55 -0400 (EDT)  
From: James M Baumgartner <baumgj@rpi.edu>  
X-Sender: baumgj@cortez.sss.rpi.edu  
To: hans@ubermorgen.com  
Subject: holding corporations

hans,

Here are a couple of corporations that you may consider "investing" in.

Wackenhut Corporation. They own several private prisons in the US including juvenile prisons.

<http://www.afscme.org/private/pp000316b.htm>

Corrections Corporation of America (CCA) They are the largest prison corporation in America.

[http://www.motherjones.com/mother\\_jones/MJ00/steeltown.html](http://www.motherjones.com/mother_jones/MJ00/steeltown.html)

Channel One Communications. They produce news and entertainment show that is sent by satellite to many american schools - and it includes commercials!

<http://www.commercialfree.org/commercialism.html>

<http://www.channelone.com>

Reebok Interational. They put advertising in schools for their shoes and create "Team Reebok" - sponsor public High School atheletic teams with discounted shoes in exchange for advertising space in the school. Always good to get the consumer when they are young.

<http://reebok.com>

<http://www.motherjones.com/mustreads/041299.html> (second story on the page)

Are these the kinds of companies you were considering holding? I think they have traits in common with voteauction.com - specifically creating capitalism in places where capitalism should not exist.

off to bed, I'll try out the email in the morning  
James

*Voteauction*

*holding  
Companies*

Delivered-To: ubermorgen@ubermorgen.com  
From: "Bob Mowry" <rpm@summa-tech.com>  
To: <ubermorgen@ubermorgen.com>  
Subject: attn: Hans Bernhard  
Date: Mon, 28 Aug 2000 09:54:45 -0400  
X-Priority: 3

Voleaukti

Hans,

I've been following the voteauction.com story on cnn. This topic is of interest to me as I have thought of starting a similar company. In fact, I own the domain name buymyvote.com. I wanted to give you a suggestion about a slightly different business model that I think you might like. This model combines these ideas in order to make money:

1. The majority of eligible voters in the US are not currently registered to vote.
2. Online voter registration is currently implemented, and e-voting for general elections will be available by the next presidential election. All the personal information required to cast a valid e-vote will be collected at registration time.
3. You really don't want to have to depend upon the voters to actually cast their vote by hand (how would you be able to guarantee this to your vote buyers?). The correct model is to cast these votes by proxy, electronically.
4. An individual vote is of negligible value, but a large collection of votes can sway nationwide elections.
5. Everyone likes a lottery.
6. In order to make money, your site could sell advertising to candidates/parties.
7. You could use this money to fund your lottery.
8. There could be a direct relationship between the amount of advertising bought on your site and the number of votes a party/candidate receives.
9. Incumbants will be FOR this system since they typically have more money at their disposal, and it would be in their interest to support such a system.

My model would be to target currently unregistered voters, collect all their registration information along with their permission to proxy their vote in the next election. In exchange for this agreement, the voter is entered into an annual lottery at buymyvote.com with a guaranteed minimum \$1,000,000 prize. Secondly, I'd sell "advertising" on my site (or perhaps you could auction off advertising space once the number of registered voters is known) to parties/candidates in order to generate revenue. The profits from this advertising would be used to fund the business and the lottery.

I thought you might enjoy reading this strategy. Please feel free to use any of the ideas in this email for your business.

-bob



. .personal to the sender and do not represent the official. .  
. .view of the company :: . . . . .  
. . . . .



Delivered-To: hans@ubermorgen.com  
X-Authentication-Warning: cortez.sss.rpi.edu: baumgj owned process doing -bs  
Date: Fri, 25 Aug 2000 01:58:55 -0400 (EDT)  
From: James M Baumgartner <baumgj@rpi.edu>  
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To: hans@ubermorgen.com  
Subject: holding corporations

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[http://www.motherjones.com/mother\\_jones/MJ00/steeltown.html](http://www.motherjones.com/mother_jones/MJ00/steeltown.html)

Channel One Communications. They produce news and entertainment show that is sent by satellite to many american schools - and it includes commercials!

<http://www.commercialfree.org/commercialism.html>

<http://www.channelone.com>

Reebok Interational. They put advertising in schools for their shoes and create "Team Reebok" - sponsor public High School atheletic teams with discounted shoes in exchange for advertising space in the school. Always good to get the consumer when they are young.

<http://reebok.com>

<http://www.motherjones.com/mustreads/041299.html> (second story on the page)

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James

*Voteauction*

*holding  
Companies*

Delivered-To: ubermorgen@ubermorgen.com  
From: "Bob Mowry" <rpm@summa-tech.com>  
To: <ubermorgen@ubermorgen.com>  
Subject: attn: Hans Bernhard  
Date: Mon, 28 Aug 2000 09:54:45 -0400  
X-Priority: 3

Voleawcti

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1. The majority of eligible voters in the US are not currently registered to vote.
2. Online voter registration is currently implemented, and e-voting for general elections will be available by the next presidential election. All the personal information required to cast a valid e-vote will be collected at registration time.
3. You really don't want to have to depend upon the voters to actually cast their vote by hand (how would you be able to guarantee this to your vote buyers?). The correct model is to cast these votes by proxy, electronically.
4. An individual vote is of negligible value, but a large collection of votes can sway nationwide elections.
5. Everyone likes a lottery.
6. In order to make money, your site could sell advertising to candidates/parties.
7. You could use this money to fund your lottery.
8. There could be a direct relationship between the amount of advertising bought on your site and the number of votes a party/candidate receives.
9. Incumbants will be FOR this system since they typically have more money at their disposal, and it would be in their interest to support such a system.

My model would be to target currently unregistered voters, collect all their registration information along with their permission to proxy their vote in the next election. In exchange for this agreement, the voter is entered into an annual lottery at buymyvote.com with a guaranteed minimum \$1,000,000 prize. Secondly, I'd sell "advertising" on my site (or perhaps you could auction off advertising space once the number of registered voters is known) to parties/candidates in order to generate revenue. The profits from this advertising would be used to fund the business and the lottery.

I thought you might enjoy reading this strategy. Please feel free to use any of the ideas in this email for your business.

-bob

Delivered-To: ubermorgen@mail.ubermorgen.com  
Delivered-To: office@ubermorgen.com  
X-Sender: fujita@cgarts.or.jp  
Date: Wed, 08 Nov 2000 14:08:19 +0900  
To: contest@cgarts.or.jp  
From: "FUJITA, Masaya" <fujita@cgarts.or.jp>  
Subject: Thank you for your entry Media Arts Festival

All the applicant for Media Arts Festival

Thank you very much for your entry Media Arts Festival in Japan.

I inform you the total works submitted and the other information.

( )Number of works submitted

Digital Art [Interactive]	288works
Digital Art [Non-interactive]	350works
Animation	148works
Manga	72works
-----	
Total	858works

Adjudication Period: from November to the middle of December

We introduce the Award-winning works on the web site in late December.  
<<http://www.cgarts.or.jp/festival/>>

Awards Ceremony: Date; March 12, 2001

Exhibition of Award-winning works: Dates; March 13 to 18, 2001  
at Tokyo Metropolitan Museum of Photography (Tokyo, Yebisu Garden Place)

Many thanks and Best Regard  
FUJITA, Masaya

Sanctioned Events  
CARAMIX.com (Dates; March 13,14, 2001)  
Sorry Japanese pages only.  
<<http://www.charamix.com/>>

[Contact information]  
Agency for Cultural Affairs Media Arts Festival Office  
(in the CG-ARTS Society)  
E-Mail: contest@cgarts.or.jp  
1-11-2, Kyobashi, Chuo-ku, Tokyo, 104-0031, Japan



<http://www.cgarts.or.jp/festival2000e/index.html>

**The confirmation of the reservation**

Category Digital Art(Interactive)  
Title **voteauction.com**

Author **ubermorgen.com and james baumbartner**  
Copyright **ubermorgen.com and james baumgartner**

Type of application Individual

Company **ubermorgen.com**  
Section **shock marketing**  
Name of applicant **etoy.HANS / luzius a. bernhard**  
Contact **Work**  
Address **kurrentgasse 10/22,1010 vienna**  
Building/Apartment **austria**  
Tel **+43 676 930 00 61**  
Fax **+43 1 968 10 22**  
Email **office@ubermorgen.com**  
URL **http://www.voteauction.com**

**Synopsis and main point** "bringing captialism and democracy closer to each other" ; a joint venture between the US and EUROPE

**Additional information** realtime battle, check the new/press sections for related articles:go to <http://www.wirednews.com> and <http://www.cnn.com> and search for voteauction... all major media CNN, ABC, NBC, the Independent, washington post, etc.. published articles on [voteauction.com](http://www.voteauction.com)

---

registration number is 10112

# Voteauction

sell your vote online

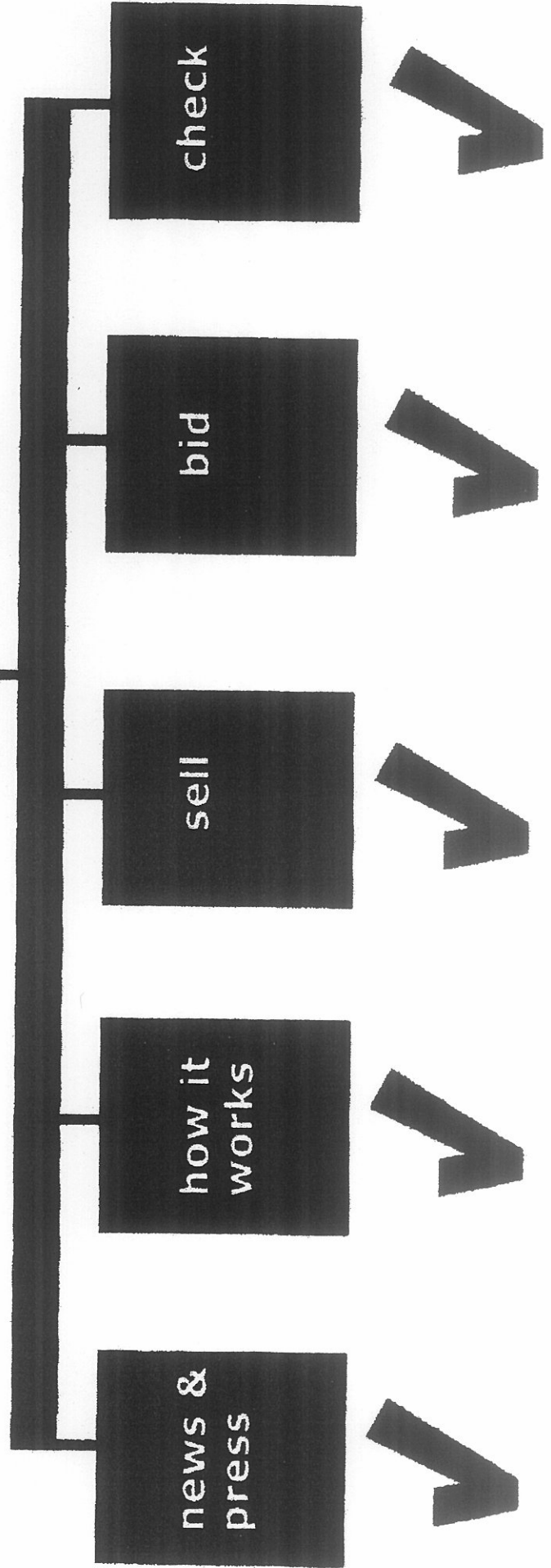


powered by  
ubermorgen.com  
etoy.com  
skim.com  
micromusic.net  
rosa.com  
bannster.net  
extreme.ru  
rtmark.com

## sitemap/flow

"bringing capitalism and democracy closer to each other"

http://www.voteauction.com/  
index.html







1408

**nicat** Internet Verwaltungs-  
und Betriebsgesellschaft m.b.H.

# Domain Zertifikat

## voteauction.at

Hans Bernhard  
Domain-Inhaber



10CC6AD25F69

Stimmzettel

Endergebnis

Voteauction event

28.02.2001 wie

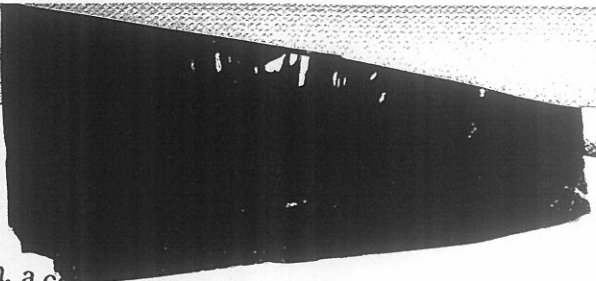




**[V]ote-auction  
OFFLINE POLL**

**< - VOTE HERE!**

**< - DROP Y/VOTE**

  
In support of this motion, a copy of the Plaintiffs' verified Complaint for Dec.  
Judgment, Injunction and Other Relief and exhibits thereto filed in this Court on Octo  
2000 is attached hereto and made a part of this motion.

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

By: James Scanlon  
Their Attorney

Atty. No. 70383  
James M. Scanlon  
James M. Scanlon & Associates, P.C.  
70 West Madison, Suite 3600  
Chicago, IL 60602  
312.977.4881



pot vortrag 16.10.2001 // 19h breitegasse 3, 1070 wien //

nehmen:

papiere/orig. klagen, etc..  
DVD vote-auction CNN  
hand-out! mit gfx von aaron und kontakt infos vote-auction ltd, url, ..

erstellung der characters::

aaron / lo-res? und vote-auction ltd.  
hans / vote-auction ltd.

lauf

CNN\_video ca. 20 min.

history of [V]ote-auction - hans / 5 min.

- start [james baumgartner, kauf durch bulgarische holding company ubermorgen ltd., ueberfuehrung in eigene company vote-auction ltd, sofia/bulgarien]

Ziel von vote-auction: den perfekten markt-platz fuer wahlstimmen kauf/verkauf ermoeeglichen, mit bewusstem umweg via us-gerichte /praezedenz schaffen! *→ als reaktion auf wahlkaufsfunde - Markt R2P*

- publicity-madness v1.0 ausgeloeset durch klage von chicago board of election *→ PUBLIC OPINION Research + PR Disaster for*

- weiterfuehrung; klagedrohung von calif. sec. of state: CRIMINAL, arizona, wisconsin, mass. *+ Frisken sel Calif. online daily*

(FBI/CIA/Secreat) *behind scene* [bulgarien james fbi story] *+ credit intelligence sect.*

(PR-madness v2.0) ueber 3 monate 10 interviews daily, neue stories erfinden, testen, technologie entwickeln, juristische actions, etc.. *→ Druck entsteht Anwalte, Anwaltefor, etc -*

- specialZ: - internat. POLL us election 2000 !!! -> das auch als zukuenftiger markt [international elections -> aaron]. *Research*  
[story aggressive journis, wieso europaer einmischen]  
- provider SILVER SERVER, extrem wichtiger partner  
provider sind in diesem heiklen business das A und O jeder aktion..

hauptclaim von vote-auction: bringing democracy and capitalism closer together

FRAGEN

← Wahlbeteiligung  
hoehen durch  
\$

d.h. cut the middleman, ermoeeglichung von peer2peer oder eben grosse auktionen von wahlstimmen. u.a. auch erhoehung der wahlbeteiligung, zugang fuer alle! zu diesem marktplatz..

- der zwischen-etappen abschluss: FLORIDA, besser gehts nimma! vote-auction ltd. hat gemerkt, dass die wahlssysteme nicht funktionieren und daher der vote-auction ansatz auch nicht funken wird, sofern dieses problem mit geloest wird..

technical aspects of online voting - aaron / 5 min.

- verschluesselung ?
  - tickets
  - receipts
  - anonymitaet vs. publicity
- die wichtigsten technischen aspekte von online voting  
huerden/schwierigkeiten und positive seiten
- ...
  - ...

tech developments + future of vote-auction - aaron / 5 min.

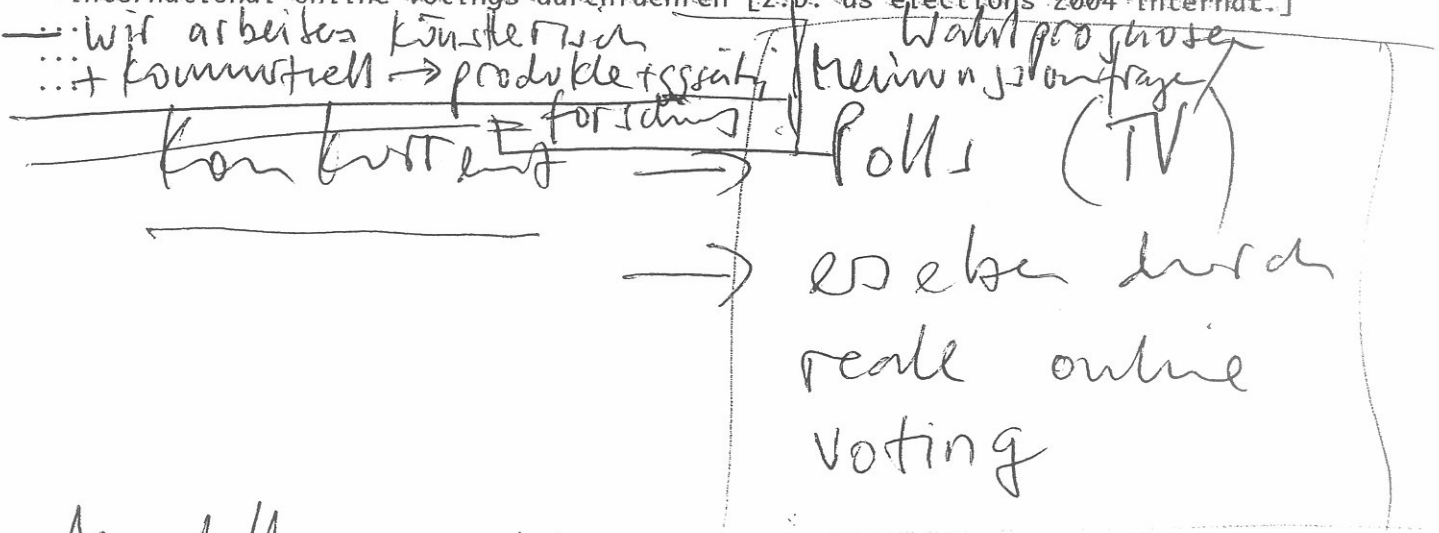
- eigenentwicklung eines online voteing-systems [vgl. www.votehere.net ]
- wichtig fuer uns, receipts auf denen steht wen "man" gewaehlt hat, aber anonym, = waehrung

A. Polls werden abgelöst

- die verschiedenen maerkte:
  1. industrie/corporations [viel geld indirekt via wahlkampfspenden, da wollen wir mit/abschneiden, cut the middleman!, benoetigt aber juristische praezedenz, da individueller vote-verkauf illegal in USA und EUROPA]
  2. peer2peer / vote-swapping [wahlanalysen arithmetisch, angebot fuer vote-swapping infrastruktur und know how → familien/planende]
  3. corporate [demokratisierung der corporations durch effektive voting-tools welche als referenz oder auch wirklich als demokratische instrumente bei firmen-entscheidungen verwendet werden kann.]
- ...
- ...

future of vote-auction - hans / 2 min.

- aufbauend auf der popularitaet von vote-auction
- eigenentwicklung von online voting systemen wie beschrieben
- international online votings durchfuehren [z.b. us elections 2004 internat.]



Modell 1 - Wahlprognose  
 - parallel online voting [V]A  
 - beweis für die Leute die das gestimmt

# [V]ote-auction

+++++ bringing democracy and capitalism closer together +++++

"**BERNHARD:** No, we don't buy or sell votes. We don't do that. We just facilitate a platform where we want to have this market done. And we see that there is a big future for this. We bring this business to business. You know, there are consultants in the election industry. They cut like 10-15 percent for themselves, and they sell a vote to the campaigns."

"**CNN/VAN SUSTEREN:** All right, let's go -- let me please interrupt you for one second and go up to Bill Wood from the state of California. Bill, is what ubermorgens' Hans Bernhard is doing, is that, in your view, illegal under California law? What is it that you contend is illegal, if indeed it is. And also the whole idea, which I must admit, I'm a little fixated about someone from another country interfering or doing anything in an American election. But go ahead, Bill."

**WILLIAM WOOD, CHIEF COUNSEL, SECY. OF STATE OF CALIFORNIA:** Very briefly, what this individual has described is illegal in California. The basis in California, of course, of your vote, is that you cannot sell it, you cannot offer to sell it, you cannot buy people's votes. That has been the law in our state for some time.

**CNN/VAN SUSTEREN:** Is it a quid pro quo, though? Or how different is it from this, sort of, like, you know, you give your \$1,000 campaign contribution on November sixth and November eighth you show up at your Congressman's office and say: Remember me? I'm a big contributor. I would like to talk to you about some project? How is that different?

**WOOD:** Well, it's absolutely different because it's fundamentally different. The actual buying of the vote is just that. It is that simple. It is the buying of some individual's vote. One of the things in the United States that we have prized above all is the vote. It is an inalienable right. And in every state in the United States, to my knowledge, the process of buying or selling votes is illegal. It is a federal violation."

**CNN, Aired October 24, 2000, Burden of Proof "Bidding for Ballots: Democracy on the Block" eine 30 min. exklusiv-sendung zur ubermorgen feature-action [V]ote-auction [www.vote-auction.net].**

+++++ bringing democracy and capitalism closer together +++++

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13 klagen wurden von den jeweils obersten staatsanwaelten der betreffenden bundesstaaten schriftlich angedroht - verschiedene U.S. und europaeische geheimdienste haben untersuchungen eingeleitet:

- 4 klagen / einstweilige veruegungen wurden durch U.S.-gerichte stattgegeben.
- 2 illegale shut-down der domains: "voteauction.com" durch DOMAINBANK in den USA; und "vote-auction.com" durch CORENIC in genf/schweiz.
- die missouri-klage wurde 03/2001 zurrueckgezogen.
- die wisconsin-klage wurde 06/ 2001 zurrueckgezogen.
- laufende gerichts-verhandlungen in chicago und massachussetts [stand 16.10.2001].
- eine klage von [V]ote-auction gegen CORENIC / CSL / JOKER.com aufgrund des illegalen shut-down der domain vote-auction.com in vorbereitung.
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contact:  
vote-auction ltd.  
Sofia, Bulgaria  
PR@vote-auction.net  
tel +359/2/328912

speakers:  
aaron l.k. vote-auction ltd. / lo-res.org  
hans a.b. vote-auction ltd. / ubermorgen.com

+++++ it's different because it's fundamentally different +++++

<http://www.vote-auction.net>

# [V]ote-auction

+++++ bringing democracy and capitalism closer together +++++

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pot vortrag 16.10.2001 // 19h breitegasse 3, 1070 wien //

.....  
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nehmen:

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papiere/orig. klagen, etc..

DVD vote-auction CNN

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.....

aaron / lo-res? und vote-auction ltd.

hans / vote-auction ltd.

lauf

.....

CNN\_video ca. 20 min.

history of [V]ote-auction - hans / 5 min.

- start [james baumgartner inventor/student  
kauf durch bulgarische holding company ubermorgen ltd.,  
ueberfuehrung in eigene company vote-auction ltd, sofia/bulgarien]

--> zur erklarung, ubermorgen und aaron arbeiten sowohl kuenstlerisch  
wie kommerziell, das bedeutet, aus dem kuenstlerischen und forschungs-  
ansatz werden reale produkt entwickelt und auf den markt geworfen;

- hauptclaim von vote-auction:

bringing democracy and capitalism closer together

d.h. cut the middleman, ermoeglichung von peer2peer oder eben  
grosse auktionen von wahlstimmen. u.a. auch erhoehung der wahl-  
beteiligung, zugang fuer alle! zu diesem marktplatz..

- ziel von vote-auction: den perfekten markt-platz fuer wahlstimmen  
kauf/verkauf ermoeeglichen, mit bewusstem umweg via us-gerichte  
/praezedenz schaffen!

dies als REAKTION auf den legalen WAHLKAMPF-SPENDEN MARKT,  
in dem indirekt stimmen gekauft/verkauft werden!

- publicity-madness v1.0 ausgeloeset durch klage von chicago  
board of election,

PUBLIC OPINION GAME

PR DESASTER FUER ONLINE VOTING SYSTEME [z.b. californien]

ERHOEHUNG DER WAHLBETEILIGUNG DURCH \$\$\$

- weiterfuehrung, klagedrohung von calif. sec. of state, CRIMINAL,  
arizona, wisconsin, mass., ...



- GEHEIMDIENSTE [FBI/CIA/FEDERAL] kommen rein.. DRUCK ENSTEHT...
  - >[bulgarien james FBI story]
  - > ZUSTELLUNG PER TELEPHON + 99 seiten fax auf communicator!
  - > z.b. AUSLIEFERUNG CHECKEN durch anwaelte in deutschland, oesterreich und bulgarien
- PR-madness INTENSIVIERUNG, ueber 3 monate 10-20 interview-anfragen daily, neue stories testen, technologie entwickeln, juristische actions, etc..
- specialZ:
  - internat. POLL us election 2000 !!! -> das auch als zukuenftiger markt [international elections -> aaron] [journis, wieso europaer einmischen ?]
  - provider SILVER SERVER, extrem wichtiger partner provider sind in diesem heiklen business das A und O jeder aktion.. KRITISCHER PUNKT!
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vote-auction ltd. hat gemerkt, dass die wahlssysteme nicht funktionieren und daher der vote-auction ansatz auch nicht funken wird, sofern dieses problem mit geloest wird..

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- verschluesselung ?
- tickets
- receipts
- anonymitaet vs. publicity
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...

tech developments + future of vote-auction - aaron / 5 min.

- eigenentwicklung eines online voteing-systems [vgl. [www.votehere.net](http://www.votehere.net) ]
- wichtig fuer uns, receipts auf denen steht wen "man" gewaehlt hat, aber anonym, = waehrung

- die verschiedenen maerkte:

- 0. POLLS ersetzen durch online votings parallel zu abstimmungen/wahlen mit dem bonus, dass wenn jemand an der inoffiziellen wahl teilnimmt, er/sie mit dem reciept der official wahl kommen kann und dann kohle bekommt dafuer..  
d.h. WAHLKAMPFPROGNOSEN ersetzen und incentive fuer waehler geben, + auch nicht waehler zum waehlen motivieren!
- 1. industrie/corporations [viel geld indirekt via wahlkampfspenden, da wollen wir mit/abschneiden, cut the middleman!, benoetigt aber



juristische praezedenz, da individueller vote-verkauf illegal in USA und EUROPA]

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future of vote-auction

- hans / 2 min.

- aufbauend auf der popularitaet von vote-auction
- eigenentwicklung von online voting systemen wie beschrieben
- international online votings durchfuehren [z.b. us elections 2004 internat.]

...  
...  
...



## CALTECH-MIT/VOTING TECHNOLOGY PROJECT

Established by Caltech President David Baltimore and MIT President Charles Vest in December 2000 to prevent a recurrence of the problems that threatened the 2000 U.S. Presidential election. Specific tasks of the project include:

- Evaluate the current state of reliability and uniformity of U.S. voting systems.
- Establish uniform attributes and quantitative guidelines for performance and reliability of voting systems.
- Propose specific uniform guidelines and requirements for reliable voting systems.

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### tech

[David Baltimore](#)  
[Michael Alvarez](#)  
[Jonsson](#)  
[Luca Bruck](#)  
[Thomas Palfrey](#)

### fr

[Charles Vest](#)  
[Stephen Ansolabehere](#)  
[Stephen Graves](#)  
[Thomas Negroponte](#)  
[David Rivest](#)  
[L. Selker](#)  
[Max Slocum](#)  
[Charles Stewart](#)

**July 2001 Report  
of the Caltech-MIT Voting Technology Project:  
Voting - What Is, What Could Be**

**Press Release: Up to 6 million votes lost in 2000 presidential election. Voting  
Technology Project reveals**

**July 16, 2001  
Press Conference Video Webcast**  
**220kbps (for DSL, cable modem, 240x180)**  
**34kbps (for 56k modem, 160x120)**  
**384kbps (for on campus, 320x240)**

In order to view the content above,  
you need to have [RealPlayer](#) installed on your computer.  
If you have problems using RealPlayer,  
please see [RealNetworks' support site](#).

### **Final Report from the National Commission on Federal Election Reform (August 2001)**

The Federal Election Commission, in partnership with the National Association of State Election Directors, released draft updated performance standards for computer-based voting systems. The Commission is accepting comments on the standards. To review and comment, go to: **Federal Election Commission: Updating the Voting Systems Performance and Test Standards: An Overview**

**Video Clip of Inside Politics (CNN, 5/4/01)  
with Palfrey and Ansolabehere**  
(2.5 minutes, [RealPlayer](#))  
**(LAN, ISDN, Cable Modem) (28k or 56k modem)**  
**(On-campus, QuickTime)**

**Revitalizing Democracy in Florida:  
The Governor's Select Task Force  
on Election Procedures, Standards, and Technology**  
**(3/1/2001)**

**National Commission on Federal Election Reform**  
**(webcasts of public hearings)**

**Voting Technology Project Conference**  
**March 29 - 31, 2001**

**Revised and Expanded Report (3/30/01, pdf):  
A Preliminary Assessment of the Reliability of Existing Voting Equipment**  
**(full report) (abstract)**

**NEWS RELEASE**  
**For Immediate Release**

July 16, 2001

## Up to 6 million votes lost in 2000 presidential election, Voting Technology Project reveals

PASADENA, Calif.- Though over 100 million Americans went to the polls on election day 2000, as many as 6 million might just have well have spent the day fishing. Researchers at Caltech and MIT call these "lost votes" and think the number of uncounted votes could easily be cut by more than half in the 2004 election with just three simple reforms.

"This study shows that the voting problem is much worse than we expected," said Caltech president David Baltimore, who initiated the nonpartisan study after the November election debacle.

"It is remarkable that we in America put up with a system where as many as six out of every hundred voters are unable to get their vote counted. Twenty-first-century technology should be able to do much better than this," Baltimore said.

According to the comprehensive Caltech-MIT study, faulty and outdated voting technology together with registration problems were largely to blame for many of the 4-to-6 million votes lost during the 2000 election.

With respect to the votes that simply weren't counted, the researchers found that punch-card methods and some direct recording electronic (DRE) voting machines were especially prone to error. Lever machines, optically scanned, and hand-counted paper ballots were somewhat less likely to result in spoiled or "residual" votes. Optical scanning, moreover, was better than lever machines.

As for voter registration problems, lost votes resulted primarily from inadequate registration data available at the polling places, and the widespread absence of provisional ballot methods to allow people to vote when ambiguities could not be resolved at the voting precinct.

The three most immediate ways to reduce the number of residual votes would be to:

- replace punch cards, lever machines, and some underperforming electronic machines with optical scanning systems;
- make countywide or even statewide voter registration data available at polling places;
- make provisional ballots available.

The first method, it is estimated, would save up to 1.5 million votes in a presidential election, while the second and third would combine to rescue as many as 2 million votes.

"We could bring about these reforms by spending around \$3 per registered voter, at a total cost of about \$400 million," says Tom Palfrey, a professor of economics and political science who headed the Caltech effort. "We think the price of these reforms is a small price to pay for insurance against a reprise of November 2000."

Approximately half the cost would go toward equipment upgrades, while the remainder would be used to implement improvements at the precinct level, in order to resolve registration problems on the spot. The \$400 million would be a 40 percent increase over the money currently spent annually on election administration in the United States.

In addition to these quick fixes, the report identifies five long-run recommendations.

- First, institute a program of federal matching grants for equipment and registration system upgrades, and for polling-place improvement.
- Second, create an information clearinghouse and data-bank for election equipment and system performance, precinct-level election reporting, recounts, and election finance and administration.
- Third, develop a research grant program to field-test new equipment, develop better ballot designs, and analyze data on election system performance.
- Fourth, set more stringent and more uniform standards on performance and testing.
- Fifth, create an election administration agency, independent of the Federal Election Commission. The agency would be an expanded version of the current Office of Election Administration, and would oversee the grants program, serve as an information clearinghouse and databank, set standards for certification and recertification of equipment, and administer research grants.

The report also proposes a new modular voting architecture that could serve as a model for future voting technology. The Caltech-MIT team concludes that this modular architecture offers greater opportunity for innovation in ballot design and security.

Despite the fact that there is strong pressure to develop Internet voting, the team recommends a go-slow approach in that direction. The prospect of fraud and coercion, as well as hacking and service disruption, led the team to recommend a cautious approach to Internet voting. Also, many Americans are still unfamiliar with the technology.

"The Voting Technology Project is part of a larger effort currently underway-involving

many dedicated election officials, researchers, and policy makers-to restore confidence in our election system," commented Steve Ansolabehere, a professor of political science who headed up the MIT team. "We are hopeful that the report will become a valuable resource, and that it will help to bring about real change in the near future."

Baltimore and MIT president Charles Vest announced the study on December 15, two days after the outcome of the presidential election was finally resolved. Funded by a \$250,000 grant from the Carnegie Corporation, the study was intended to "minimize the possibility of confusion about how to vote, and offer clear verification of what vote is to be recorded," and "decrease to near zero the probability of miscounting votes."

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# Residual Votes Attributable to Technology

## An Assessment of the Reliability of Existing Voting Equipment

The Caltech/MIT Voting Technology Project<sup>1</sup>

Version 2: March 30, 2001<sup>2</sup>

American elections are conducted using a hodge-podge of different voting technologies: paper ballots, lever machines, punch cards, optically scanned ballots, and electronic machines. And the technologies we use change frequently. Over the last two decades, counties have moved away from paper ballots and lever machines and toward optically scanned ballots and electronic machines. The changes have not occurred from a concerted initiative, but from local experimentation. Some local governments have even opted to go back to the older methods of paper and levers.

The lack of uniform voting technologies in the US is in many ways frustrating and confusing. But to engineers and social scientists, this is an opportunity. The wide range of different voting machinery employed in the US allows us to gauge the reliability of existing voting technologies. In this report, we examine the relative reliability of different machines by examining how changes in technologies within localities over time explain changes in the incidence of ballots that are spoiled, uncounted, or unmarked – or in the lingo of the day the incidence of “over” and “under votes.” If existing technology does not affect the ability or willingness of voters to register preferences, then incidence of over and under votes will be unrelated to what sort of machine is used in a county.

We have collected data on election returns and machine types from approximately two-thirds of the 3,155 counties in the United States over four presidential elections, 1988, 1992, 1996, and 2000. The substantial variation in machine types, the large number of

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<sup>1</sup> The Caltech/MIT Voting Technology Project is a joint venture of the two institutions. Faculty involved are Michael Alvarez (Caltech), Stephen Ansolabehere (MIT), Erik Antonsson (Caltech), Jehoshua Bruck (Caltech), Steven Graves (MIT), Nicholas Negroponte (MIT), Thomas Palfrey (Caltech), Ron Rivest (MIT), Ted Selker (MIT), Alex Slocum (MIT), and Charles Stewart (MIT). The principal author of this report is Stephen Ansolabehere; communications about this report can be directed to him at [sda@mit.edu](mailto:sda@mit.edu). We are grateful to the Carnegie Corporation for its generous sponsorship of this project.

<sup>2</sup> This version updates our initial report in three ways. First, we have expanded the data set considerably: increasing the number of valid cases from roughly 5500 to 8000. We have added complete data for several states, such as Kentucky, Massachusetts, and Vermont, and nearly complete coverage of the available data from the 2000 election. Second, we present more detail about the data, such as yearly averages, and examine possible technology curves and other hypothesized relationships. Third, we incorporate more speculation about the performance of DREs. The next version of the report will integrate data from 1980 and from the 1980, 1990, and 2000 censuses, which will allow us to examine possible interactions between machine performance and demographic characteristics of county populations.

observations, and our focus on presidential elections allows us to hold constant many factors that might also affect election returns.

The central finding of this investigation is that manually counted paper ballots have the lowest average incidence of spoiled, uncounted, and unmarked ballots, followed closely by lever machines and optically scanned ballots. Punchcard methods and systems using direct recording electronic devices (DREs) had significantly higher average rates of spoiled, uncounted, and unmarked ballots than any of the other systems. The difference in reliabilities between the best and worst systems is approximately 1.5 percent of all ballots cast.

We view these results as benchmarks for performance. It is our hope that the information here is helpful to manufacturers as they improve equipment designs and to election administrators who may wish to adopt new equipment. Our results apply to broad classes of equipment; the performance of specific types of equipment may vary. Where possible we test for possible differences (such as different types of punch cards).

We do not attempt to isolate, in this report, the reasons for differential reliability rates, though we offer some observations on this matter in the conclusions. Our aim is measurement of the first order effects of machine types on the incidence of votes counted.

## Machine Types and their Usage

We contrast the performance of five main classes of technologies used in the US today. The technologies differ according to the way votes are cast and counted.

The oldest technology is the paper ballot. To cast a vote, a person makes a mark next to the name of the preferred candidates or referendum options and, then, puts the ballot in a box.<sup>3</sup> Paper ballots are counted manually. Paper ballots enjoyed a near universal status in the US in the 19<sup>th</sup> Century; they remain widely used today in rural areas.

At the end of the 19<sup>th</sup> Century, mechanical lever machines were introduced in New York state, and by 1930 every major metropolitan area had adopted lever machinery. The lever machine consists of a steel booth that the voter steps into. A card in the booth lists the names of the candidates, parties, or referenda options, and below each option is a switch. Voters flick the switch of their preferred options for each office or referendum. When they wish to make no further changes, they pull a large lever, which registers their votes on a counter located on the back of the machine. At the end of the voting day, the

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<sup>3</sup> How we mark ballots has changed over time. In the middle of the 20<sup>th</sup> Century, many states required that the voter cross out the options not chosen. See for example, The Book of the States, 1948.



election precinct workers record the tallies from each of the machines. Lever machines automate both the casting of votes and the counting of votes through mechanical devices.

Punch card machines automated the counting process using the computer technology of the 1960s. Upon entering the polling place the voter is given a paper ballot in the form of a long piece of heavy stock paper. The paper has columns of small, perforated rectangles (or chads). There are two variants of the punch card – one, the DataVote, lists the names of the candidates on the card; the other (VotoMatic) does not. In the booth (for VotoMatics), the voter inserts the card into a slot and opens a booklet that lists the candidates for a given office. The voter uses a metal punch to punch out the rectangle beside the candidate of choice. The voter then turns the page, which lists the options for the next office and shifts the card to the next column of rectangles. When finished, the voter removes the card and puts it in the ballot box. At the end of the day, the election workers put the cards into a sorter that counts the number of perforations next to each candidate.

Optically scanned ballots, also known as “marksense” or “bubble” ballots, offer another method for automating the counting of paper ballots. The form of the optically scanned ballot is familiar to anyone who has taken a standardized test. The voter is given a paper ballot that lists the names of the candidates and the options for referenda, and next to each choice is small circle or an arrow with a gap between the fletching and the point. The voter darkens in the bubble next to the preferred option for each office or referendum, or draws a straight line connecting the two parts of the arrow. The ballot is placed in a box, and, at the end of the day, counted using an optical scanner. Some versions of this technology allow the voter to scan the ballot at the polling place to make sure that he or she voted as intended.

Direct recording electronic devices, DREs for short, are electronic versions of the lever machines. In fact, the first widely used electronic machine (the Shouptronic 1242) was modeled on the lever machine and developed by one of the main lever machine manufacturers. The distinguishing feature of a DRE is that an electronic machine records the voter's intentions, rather than a piece of paper or mechanical device. To the extent that there is a paper trail it is generated by the machine, not the voter. Electronic machines vary along a couple of dimensions, having to do with the interface. First, there are many devices used to register the vote: the interfaces are either push button (e.g., the Shouptronic) or touch screen (e.g., Sequoia Pacific's Edge or Unilect's Patriot) or key pads (see the Brazillian machine). Second, the ballot design is either full-faced or paginated. With full-faced ballots, common among push button equipment, the voter sees the entire ballot at once. With paginated systems, common among touch screen devices, the voter views a page for each office or question on the ballot. A voting session goes roughly as follows. Upon entering the polling place, the voter is given a card that is inserted into the machine to activate the individual voting session. When finished the voter touches the name on the screen to register his or her preference and, typically, the voter may review the entire session (or ballot) to check the vote. Like lever machines it is not possible to vote twice for the same office (i.e., over vote). Each electronic machine tallies the votes locally and the tallies, usually on a disc, are sent to a central location.

Each type of technology involves many variations based on specifications of manufacturers, ballot formats, and implementation. Our focus is on the five main types of machines, as we hope to learn which mode of voting looks most promising. In almost all states county election officials decide which machinery to use, so counties are, almost everywhere, the appropriate unit of analysis. Some counties do not have uniform voting technologies. In these situations, municipalities and, sometimes, individual precincts use different methods. These counties are called Mixed Systems. They occur most commonly in Massachusetts, Michigan, Maine, New Hampshire, and Vermont, where town governments usually administer elections.

We examine the variation in usage across counties and over time. Our data on voting equipment come from the Election Data Services and from state, county, and municipal election officials. We appreciate the helpfulness of election administrators and the EDS in our data collection efforts.

The data do not distinguish centrally counted and precinct counting of ballots sufficiently well that we could estimate with confidence the difference in performance between central and precinct counting. Some states provide information about which administrative units count the ballots for some machine types. Precinct and central counting of optically scanned ballots became quite controversial in the Florida 2000 election.

Even without this additional level of detail, the pattern of equipment usage across the United States looks like a crazy quilt. Americans vote with a tremendous array of types of equipment. Table 1 displays the wide variation in machines used in the 1980 and 2000 elections. The first two columns present the average number of counties using various types of equipment in each year. The last two columns report the percent of the population covered by each type of technology in the 1980 and 2000 elections.

In the most recent election, one in five voters used the “old” technologies of paper and levers – 1.3 percent paper and 17.8 percent levers. One in three voters use punch cards – 31 percent of the VotoMatic variety and 3.5 percent of the DataVote variety. Over one in four use optically scanned ballots. One in ten use electronic devices. The remaining 8 percent use mixed systems.

Within states there is typically little uniformity. In some states, such as Arkansas, Indiana, Michigan, Pennsylvania, and Virginia, at least one county uses each type of technology available. The states with complete or near uniformity are New York and Connecticut with lever machines; Alaska, Hawaii, Rhode Island and Oklahoma with scanners; Illinois with punch cards; Delaware and Kentucky with electronics.

As impressive and dramatic have been the changes in technology over time. The third column of the table reports the percent of the 2000 electorate that would have used each machine type had the counties kept the technologies they used in 1980. The data are

pretty clear: out with the old and in with the new. Optically scanned ballots and DREs have grown from a combined 3.2 percent of the population covered to 38.2 percent of the population covered. There has been little change in the mixed and punch card systems. Paper ballots have fallen from 9.7 percent of all people in 1980 to just 1.3 percent in 2000. Lever machines, by far the dominant mode of voting in 1980, covered 43.9 percent of the electorate. Today, only 17.8 percent of people reside in counties using lever machines.

A somewhat different distribution of voting technology across counties holds, owing to the very different population sizes of counties. Punch cards and electronic devices tend to be used in more populous counties, and paper ballots tend to be used in counties with smaller populations.

**Table 1**

Usage of Voting Equipment in the 1980 and 2000 Elections

	Percent of Counties Using Technology		Percent of 2000 Population Covered by Technology	
	1980	2000	1980	2000
Paper Ballots	40.4	12.5	9.8	1.3
Lever Machines	36.4	14.7	43.9	17.8
Punch Card				
"VotoMatic"	17.0	17.5	30.0	30.9
"DataVote"	2.1	1.7	2.7	3.5
Optically scanned	0.8	40.2	9.8	27.5
Electronic (DRE)	0.2	8.9	2.3	10.7
Mixed	3.0	4.4	10.4	8.1

Three comments about the change in equipment are in order. First, this is an industry in flux. Between 1988 and 2000, nearly half of all counties adopted new technologies (1476 out of 3155 counties), and over the twenty-year period between 1980 and 2000, three out of five counties changed technologies. These changes have occurred without any federal investment.

Second, there is a clear trend toward electronic equipment, primarily scanners but also electronic voting machines. This trend, and the adoption of punch cards in the 1950s and 1960s, reflects growing automation of the counting of votes. Punch cards, optical scanners, and DREs use computer technology to produce a speedy and, hopefully, more reliable count. An influential 1975 report sponsored by the General Accounting Office

and subsequent reports by the Federal Elections Commission called for increased computerization of the vote counts and laid the foundation for methods of certification.<sup>4</sup>

Third, voting equipment usage has a strongly regional flavor. The Eastern and Southeastern United States are notable, even today, for their reliance on lever machines. Midwestern states have a penchant for paper. And the West and Southwest rely heavily on punch cards. In 1980, almost all eastern and southeastern states used levers, and levers were rare outside this region. Notable exceptions were the use of paper in West Virginia and punch cards in Ohio and Florida. In 1980, Midwestern counties used hand counted paper ballots. Illinois was a notable exception with its use of punch cards. And in 1980, almost all counties along the pacific coast and in the Southwest used punch cards. Notable exceptions to the pattern were the use of levers in New Mexico.

This historical pattern of usage evidently had a legacy. As counties have adopted newer technologies over the last twenty years, they have followed some distinctive patterns. Counties tend to adopt newer technologies that are analogous to the technology they move away from. Optical scanning has been most readily adopted in areas that previously used paper, especially in the Midwest. Where counties have moved away from lever machines, they have tended to adopt electronic machines -- for example, New Jersey, Kentucky, central Indiana and New Mexico. These tendencies are strong, but they are not iron clad. In assessing the performance of technology, we will exploit the changes in election results associated with changes in technology. This allows us to hold constant features of the states, counties, and their populations.

### Residual Votes: A Yardstick for Reliability

Our measure of reliability is the fraction of total ballots cast for which no presidential preference was counted. We call this the "residual vote."

A ballot may show no presidential vote for one of three reasons. Voters may choose more than one candidate -- commonly called an over vote or spoiled ballot. They may mark their ballot in a way that is uncountable. Or, they may have no preference. The latter two possibilities produce under votes or blank ballots. The residual vote is not a pure measure of voter error or of machine failure, as it reflects to some extent no preference. Consequently we prefer the term residual vote instead of error rate or uncounted vote.

The residual vote does provide an appropriate yardstick for the comparison of machine types, even though it is not purely a measure of machine error or voting mistakes. If

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<sup>4</sup>See, Roy Saltman, Accuracy, Integrity and Security in Computerized Vote-Tallying, NBS SP 500-158, August 1988, NIST, Gaithersburg, MD. The report is available online at [www.nist.gov/itl/lab/specpubs/500-158.htm](http://www.nist.gov/itl/lab/specpubs/500-158.htm).

voting equipment has no effect on the ability of voters to express their preferences, then the residual vote should be unrelated to machine types. To measure such effects, we estimate the average residual vote associated with each machine type, and we assess whether these averages differ significantly across machine type. Averaging guards against idiosyncratic results, and measures what we expect to happen in a typical case.<sup>5</sup>

In our data, the residual vote in the average county equaled 2.3 percent.<sup>6</sup> In other words, in the typical US county from 1988 to 2000 2.3 percent of ballots casts did not register a presidential preference, for whatever reason. Because county populations vary dramatically, this does not equal the fraction of people who cast an under or over vote for president in these years. This figure is somewhat smaller: 2.1 percent of people who cast ballots did not register a presidential preference. There is considerable variation around this average. Our aim in this report is to assess whether machine types explain a statistically noticeable amount of the variation around this national average residual vote.

We examine the residual vote instead of just the over vote because technology can enable or interfere with voting in many ways. Some technologies seem to be particularly prone to over voting, such as the punch card systems implemented in Florida in the 2000 election. Lever machines and DREs do not permit over voting. Some technologies may be prone to accidental under votes. Lever machines either lock out a second vote or register no vote when the person switches two levers for the same office. Also, paper ballot are sometimes hard to count owing to the many ways that people mark their ballots. Finally, some technologies might intimidate or confuse voters. Many Americans are unaccustomed to using an ATM or similar electronic devices with key pads or touch screens, and as a result DREs might produce more under voting. Also, it may be the case that we react differently to paper than to machines. We are trained in school to answer all of the questions as best as possible, especially on standardized tests similar to the format used for optically scanned voting. Improper installation or wear and tear on machines may lead to high rates of under voting. In Hawaii in 1998, 7 of the 361 optical scanners failed to operate properly.

In depth study of particular states and of contested elections may provide insight into the components of the residual vote or more specific problems related to voting equipment. A number of papers published on the Internet examine the effects of machine types on over votes and on under votes separately for the Florida 2000 election, and several

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<sup>5</sup> Some analyses focus on extreme cases – under and over votes in specific elections in particular counties. Indeed, much of the analysis of Florida falls into this category. Such case studies can be misleading, especially if they reflect outcomes peculiar to a locale, or a local machine failure. Another advantage of averaging is that it washes out the effects of typographical errors, which are inevitable in data, even official government reports.

<sup>6</sup> We exclude from the analysis all cases in which the official certified report shows more presidential votes cast than total ballots cast, that is, cases with negative residual vote rates. We have tried to resolve all of these cases. They do not appear to be due to absentee votes or other votes being excluded. Instead, they appear to be typographical errors in the data reported by the counties and secretaries of state. This affects about 2 percent of the counties in our analysis. Including these cases changes the numbers reported, but does not affect the pattern of results that we observe.



Secretaries of State and state Election Divisions or commissions present analyses of their own state.

One important caveat is in order in this analysis. There are errors that we cannot count. There is no way to measure whether voters accidentally cast ballots for the wrong candidate. We know of no statistically acceptable measures of fraud. And we know of no studies that attempt to measure the incidence and magnitude of errors in the counting of votes produced by transcription errors or programming errors. Residual votes provides the best available measure of the extent to which technology enables or interferes with the ability of voters to express their preferences.

Many other factors may explain under and over voting beside machine types. Other prominent offices on the ballot, such as senator or governor, might attract people to the polls who have no intention to vote for president. A large turnout might make it difficult for election administrators to tend to voter education at the polls. Demographic characteristics of the county's electorate might explain the incidence of people prone to make mistakes. The wealth of the county might account for expenditures on election administration. New machinery might produce elevated levels of voter confusion, simply because people make mistakes more with unfamiliar tasks.

We examine total ballots cast and ballots cast for President in the 1988, 1992, 1996, and 2000 elections. The data cover approximately 2800 counties and municipalities, though not for all years. All told, there are approximately 7800 counties and municipalities for which we have been able to identify the machines used and to collect data on total ballots and presidential ballots cast. As with the voting equipment data, our data on elections returns come from the Election Data Services and from the relevant election commissions of particular states, counties, and municipalities. The large number of observations produces high levels of precision in estimating average residual vote rates associated with each machine type. Studies of one election in one state may not have yielded sufficiently large samples to determine whether there are significant differences across voting equipment.

We examine the presidential vote in order to hold constant the choices voters face. Within each state one might also examine residual votes in Senate and governor races, with the caveat that these offices have higher "no preference" and thus higher residual votes.

We examine the data at the level of the county or municipality that reports the information. Within each of these jurisdictions, the same voting equipment is used and the administration of the election is under the same office (e.g., has the same budget, etc.). Counties and municipalities are a useful level of analysis because they allow us to hold constant where the equipment is used when we measure which equipment is used. This is of particular concern because equipment usage today is correlated with factors such as county size. We do not want to attribute any observed differences in reliability to equipment, when in fact some other factor, such as county demographics, accounts for the pattern.



To hold constant the many factors that operate at the county level, we exploit the natural experiment that occurs when locales change machinery. We measure how much change in the residual vote occurs when a county changes from one technology to another. The average of such changes for each technology type provides a fairly accurate estimate of the effect of the technology on residual voting, because the many other factors operating at the county level (such as demographic characteristics) change relatively slowly over the brief time span of this study.

To guard against other confounding factors, we also control for contemporaneous Senate and gubernatorial races on the ballot, total turnout, and year of the election.

## Results

### *Typical Counties and Typical Voters*

A simple table captures the principle results of this investigation. Table 2 presents the average residual vote rate for each type of voting equipment. The first column of numbers is the average; the second column is the margin of error associated with this estimate; the third column is the median residual vote rate; and the final column is the number of observations (counties and years) on which the estimate is based. The average is the arithmetic mean residual vote across counties. The median is the residual vote such that half of all counties have lower values and half of all counties have higher values. A lower median than mean reflects skew in the distribution of the residual vote produced by a few cases with exceptionally high rates of under and over votes. These averages do not control for other factors, but they reveal a pattern that generally holds up to statistical scrutiny.<sup>7</sup>

Two clusters of technologies appear in the means and medians. Paper ballots, lever machines, and optically scanned ballots have the lowest average and median residual vote rates. The average residual voting rates of these technologies are significantly lower than the average residual voting rates of punch card and electronic voting equipment. The differences among punch card methods and electronic voting equipment are not statistically significant. Punch cards and electronic machines register residual voting rates for president of approximately 3 percent of all ballots cast. Paper ballots, lever machines, and optically scanned ballots produce residual voting rates of approximately 2 percent of all ballots cast, a statistically significant difference of fully one percent. Or to put the matter differently, the residual voting rate of punch card methods and electronic devices is 50 percent higher than the residual voting rate of manually counted paper ballots, lever machines, and optically scanned ballots. This pattern suggests that simply

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<sup>7</sup> The data in the table only include counties with positive residual vote rate. Approximately 2 percent of counties report negative numbers; these are the figures in the official certified vote. Including counties with negative residual vote rates changes the numbers slightly but does not change the results.

changing voting equipment, without any additional improvements, could lower the incidence of under and over voting substantially.

**Table 2**  
Average Residual Vote By Machine Type  
In US Counties, 1988-2000 Presidential Elections

Machine Type	Residual Vote				
	County Average	Standard Deviation	Median	Percent of All Ballots	N
Paper Ballot	1.9	2.1	1.5	1.9	1,540
Lever Machine	1.9	1.7	1.4	1.7	1,382
Punch Card					
"VotoMatic"	3.0	1.9	2.5	2.6	1,893
"DataVote"	2.9	2.7	2.0	2.4	383
Optically scanned	2.1	2.8	1.3	1.6	1,821
Electronic (DRE)	2.9	1.8	2.7	2.2	494
Mixed	2.2	1.8	1.7	1.5	283
Overall	2.3	2.2	1.8	2.1	7,796

Another take on the average reliability of equipment is the percent of all ballots cast for which no presidential vote was registered. This is displayed in the fourth column of numbers: this is the weighted average of the county residual vote, in which we weight by total ballots cast in the county. All of the figures shrink toward zero but the same general pattern holds. In fact, optical scanning seems to do particularly well by this measure. Only 1.6 percent of all ballots cast with optical scanners showed an over vote or no vote over the years 1988 to 2000. Approximately, 1.8 percent of voters cast an over vote or no vote using paper ballots or lever machines. Slightly more than 2 percent of voters cast an over vote or no vote with punch cards or electronics.

To explore the robustness of the pattern further, we isolate specific years. Table 3 presents the residual vote rates for each year of our data.<sup>8</sup> The bottom row of the table presents residual vote as a fraction of all ballots cast in each year. The entries in the table are the residual vote as a fraction of all ballots cast using each type of technology in each year. It should be noted that year-to-year one expects more random variation in the numbers simply by chance. Every time someone votes on a machine they have a small

<sup>8</sup> We also present these yearly analyses to set the record straight. A story on [cnn.com](http://cnn.com) reports that different people looking at the same data can reach different conclusions. The story cites a separate analysis of the EDS data which suggests that electronics did particularly well in 1996. We have contacted EDS and have confirmed that the pattern of results in Table 3 is consistent with their data. Our data for 1996 come mainly from EDS. When we analyze just the EDS data, we arrive at the same pattern of means, with electronics producing a relatively high average residual vote.

chance of making a random error. Taking averages over many cases gives us a more precise measure of the typical behavior. This is especially true for categories of equipment for which there are relatively small numbers of observations, namely DataVote and Electronics.

Even with this statistical caveat, the yearly averages bear out the same general pattern as the overall averages. In each year, except perhaps 2000, paper ballots and lever machines on the whole have lower residual vote rates than the other technologies. In 2000, paper and levers had relatively low residual vote rates, but so too did scanners and electronics.

Electronics did relatively poorly in 1988, 1992, and 1996. 2000 was the banner year for electronics, but in that year paper ballots and optically scanned ballots had even lower average residual vote rates.

Votomatic punch cards have consistently high average residual vote rates. In 1988, 1996 and again in 2000, punch cards had substantially higher rates of over and under votes than other available technologies. This is of particular concern because approximately one in three voters use punch cards. If election administrators wish to avoid catastrophic failures, they may heed the warning contained in this table and the last. It is the warning that Roy Saltman issued in his 1988 report. Stop using punch cards.

Electronic machines look similarly prone to high residual vote rates, except for 2000, which offers a glimmer of promise for this technology.

**Table 3**

Residual Vote as a Percent of Total Ballots Cast By Machine Type and Year  
US Counties, 1988-2000 Presidential Elections

Residual Votes as a Percent of All Ballots				
Machine Type	1988	1992	1996	2000
Paper Ballot	2.2	1.4	2.1	1.3
Lever Machine	2.0	1.5	1.7	1.7
Punch Card				
"VotoMatic"	2.9	2.2	2.6	3.0
"DataVote"	3.7	2.4	2.1	1.0
Optically scanned	2.5	2.4	1.5	1.2
Electronic (DRE)	3.5	2.5	2.9	1.6
Mixed	2.1	1.4	1.5	2.7
Overall	2.5	2.0	2.1	2.0

### *Effects of Technology Adoption on Residual Vote Rates*

Of course many other factors might explain the observed pattern, including features of the counties and specific elections. The difference between the county and population-weighted averages suggests that county size strongly affects residual vote rates: larger counties typically have lower residual vote rates than smaller counties. We clearly need to hold constant where equipment is used in order to gauge accurately the effects of equipment types on residual vote rates. There are certainly many other factors, such as county literacy rates, education levels, election administration expenditures, other candidates on the ballot, years in which shifts in technology occur.

We hold constant turnout, shifts in technology, other statewide candidates on the ballot, and all factors at the county and state level that do not change dramatically over the period of study, such as literacy rates. To hold these other factors constant we performed a multiple regression of changes in the residual voting rate at the county level on changes in the machine used at the county level, controlling for the year of the election, whether there was a switch in technology in a specific year in a given county, and the total vote in the county. This approach removes the effects of all factors that distinguish the counties, changes in turnout levels within counties, and some features of the election in the state.

In essence, our statistical approach is that of a “natural experiment.” We observe within each county how residual votes change when counties change machine technologies. Between 1988 and 2000, slightly more than half of all counties changed their voting equipment.

The effect of specific technologies on residual votes is expressed relative to a baseline technology. We chose lever machines to serve as this baseline for the contrasts, because levers were the modal machines in 1988. The observed effects contrast the change in residual vote associated with a specific technology compared to a baseline technology. By making multiple comparisons (e.g., paper to lever, scanners to lever, etc.), we measure the relative performance of existing equipment.

We omit counties with Mixed Systems, as it is unclear exactly what technologies are in use. The exceptions are Massachusetts and Vermont, where equipment is uniform within towns: we have collected the information at the town level for these states.

Table 4 reports the observed difference between lever machines and other machine types, along with the “margin of error” (i.e., a 95 percent confidence interval) associated with the observed differences. The complete regression analyses are available upon request. Positive numbers mean that the technology in question has higher average residual vote than lever machines and negative numbers mean that the technology in question has lower average residual vote than lever machines. The wider the margin of error, the less certainty we have about the observed difference. A margin of error in excess of the actual effect means that the observed effect could have arisen by chance.

Table 4 presents results from two separate analyses. One analysis, presented in the first two columns, contains all valid cases. A second analysis, presented in the last two columns, trims the data of extreme cases. To guard against outliers and typographical errors, we omit the cases with lowest 5 percent of residual vote and highest 5 percent of residual vote.

Table 4 bears out the same patterns as Tables 2 and 3. After introducing considerable statistical controls, we reach the same conclusions about the relative performance of different equipment types.

Two clusters of technologies appear in Table 3. Paper ballots, optically scanned ballots, and lever machines appear to perform noticeably better than punch card methods and electronic devices. Paper might even be an improvement over lever machines and scanners.

**Table 4**

Which is Best?  
Residual Vote Attributable to Machine Type Relative to Lever Machines  
US Counties, 1988-2000 Presidential Elections

Machine Contrast	All Counties		Excluding Extremes	
	Estimated Difference In % RV	Margin of Error (a)	Estimated Difference In % RV	Margin of Error
Paper Ballot v. Levers	-0.55	+/- 0.37	-0.19	+/- 0.19
Punch Card "VotoMatic" v. Levers	1.32	+/- 0.38	1.11	+/- 0.20
"DataVote" v. Levers	1.24	+/- 0.52	0.97	+/- 0.28
Optically scanned v. Levers	0.11	+/- 0.35	-0.05	+/- 0.19
Electronic (DRE) v. Levers	0.90	+/- 0.30	0.67	+/- 0.16
Number of Cases	7513		7078	

(a) This is the 95 percent confidence interval for the estimated effect; the half-width of the confidence interval equals  $1.96 s/\sqrt{n}$ , where  $s$  is the estimated standard error of the estimated coefficient for each machine type.

First consider the contrast between Paper and Levers. Looking at all counties (the first two columns of the table), the estimated effect of using paper ballots rather than lever machines is to lower the residual vote rate by approximately one-half of one percent of all ballots cast (i.e., and estimated effect of -0.55). This effect is larger than the margin of error of .37, so the effect is unlikely to have arisen by chance. Omitting extreme cases, the evident advantage of paper ballots over lever machines shrinks: the effect becomes two-tenths of one-percent of ballots cast and this is not statistically different from zero difference between levers and paper.

Second consider optical scanning. The difference in the residual vote rate between scanners and levers is trivial once we hold constant where equipment is used, how many people voted, the year, other statewide candidates on the ballot, and technological changes. In both analyses, the difference between optically scanned ballots and lever machines is quite small and statistically insignificant. Levers and paper and scanned ballots appear to offer similar rates of reliability, at least as it is measured using the residual vote.

The third contrast in the tables is of punch cards to lever machines. Punch card methods produced much higher rates of residual voting. The VotoMatic variety of punch cards produced residual vote rates more than one-percentage point higher than what we observe with lever machines. In our examination of all cases, punch cards recorded 1.3 percent of all ballots less than lever machines did. The estimated effect remains in excess of one-percentage point even after we exclude the extreme cases. The DataVote variety of punch cards looks extremely similar to the Votomatic variety. Because DataVote punch cards have the candidate's names on the card, they were widely believed to be superior to the Votomatic cards. We find no evidence to support this belief.

A final contrast in the table is between DREs and lever machines. Electronic machines registered significantly higher residual vote rates than lever machines (and, by extension, paper ballots and optically scanned ballots), but DREs do not do as badly as punch cards. Direct Recording Electronic devices had a residual vote rate that was almost one percentage point higher than lever machines, holding constant many factors, including the county. In other words, a county that switches from Levers to DREs can expect a significant rise in residual votes of approximately one percent of total ballots cast. Excluding extreme observations, the effect is somewhat smaller, two-thirds of one percent of all ballots cast. But that is still highly significant from a statistical perspective, and we find it to be a substantively large effect.

One final note about the estimated effect of the DRE performance is in order. Because this machine does not permit over voting, the observed difference in residual vote rates is due to a very significant rise in under voting attributable to electronic devices.

We checked the robustness of our results in a variety of ways. We tried various transformations of the dependent variable, and we split the data into counties of different sizes (under 5000 votes, 5000 to 100,000 votes, and over 100,000 votes). The pattern of results is always the same.



Perhaps the most instructive check on the robustness of our analysis comes when we track changes in equipment usage over time. What happened in the counties that used levers in 1988 in the subsequent three presidential elections? Some of those counts continued to use their lever equipment over the succeeding three presidential elections. Approximately half decided to adopt other technologies and almost all of those that changed went to either electronics or scanners. How did the residual vote rates in these counties compare to 1988?

**Table 5**

Counties Using Levers in 1988

From 1988 to Current year (92, 96 or 2000) ...

	Change in Residual Vote As % of All Ballots	Avg. Change in County Residual Vote	Median Change in County Residual Vote	N
Kept Levers	-0.21	-0.13	-0.25	520
To Scanners	-0.62	-0.18	-0.32	137
To DREs	0.55	0.73	0.83	250

Baseline Residual vote rate is 1.8 percent in 1988 for counties with lever machines.

Standard Deviation is approximately 0.16 for each group in the first column and 0.17 for each group in the second column.

The rows of Table 5 present three different sorts of counties. The first row shows counties that used lever machines in 1988 and stayed with levers in 1992, 1996, and 2000. The second row represents counties that had lever machines in 1988, but switched to optical scanning in one of the succeeding elections. The third row represents counties that had lever machines in 1988, but switched to DREs in one of the succeeding elections.

The columns of the table present the average change in the residual vote rate from 1988 to the current year. We then average over all years. Consider, for example, a county that had levers in 1988 and 1992, but scanners in 1996 and 2000. The first row includes the observed change in the residual vote rate from 1988 to 1992 for such a county. The second row contains the average change in the residual vote rate from 1988 to 1996 and from 1988 to 2000, the two elections in which the county used scanners.

What happened in these histories? On average, counties that kept their lever machines saw a slight improvement in their residual vote rates from 1988 to 1992, 1996, and 2000. On average, counties that switched to scanners had their residual vote rates fall by even more than the counties that stuck with levers. On average, counties that switched to DREs saw their residual vote rates increase above the residual vote rate that they had in

1988. The difference between the increment in residual vote rate for counties that changed to scanners and counties that changed to DREs is fully one percent of total ballots cast.

## What Explains the High Residual Vote Rate of DREs?

We were very surprised by the relatively high residual vote rate of electronic equipment. When we began this investigation we expected the newer technologies to outperform the older technologies. Considering some of the glowing reports about electronics following the 2000 election, we expected the DREs to do well. They did not, especially compared optically scanned paper ballots.

We are not pessimistic about this technology, however. It is relatively new, and we see this as an opportunity for improvement. In this spirit we offer six possible explanations for the relatively high residual vote rates of electronic voting machines.

First, the problems may reflect existing interfaces and ballot designs. The results might stem from differences between touch screens and push buttons or between full-face and paginated ballots (paper and levers are full faced).

Second, there may be a technology curve. As the industry gains more experience with electronics they may fix specific problems.

Third, we may be still low on the voter learning curve. As voters become more familiar with the newer equipment errors may go down. As more people use electronic equipment in other walks of life, such as ATM machines for banking, residual votes may drop.

Fourth, electronics may require more administrative attention, especially at the polling place, and thus be more prone to problems under the administrative procedures used in most counties.

Fifth, electronic equipment may be harder to maintain and less reliable than a piece of paper or a mechanical device. Power surges, improper storage, and software errors may affect DREs.

Sixth, the problem may be inherent in the technology. One speculation is that people behave differently with different technologies. Electronic machines may be simply a less human friendly technology.

There is simply too little data from existing equipment usage to say with confidence what exactly accounts for the relatively high residual vote rate of DREs that we observe. We observe approximately 480 instances of electronic machine usage. When we divide the

cases according to features of the interfaces, there are too few cases to gain much leverage on the questions of interface design. Half of the observations in our data are Shouptronic 1242 machines; another one-quarter are Microvote machines. These are push button, full faced machines. One-in-six are Sequoia AVC Advantage machines. There is not enough variety in machines used or enough observations to accurately measure whether some features of the interface explain the results. Careful, systematic laboratory testing may be required to identify the importance of the interface.

Year-by-year analysis casts some doubt on the notion that there is a voter learning curve. The residual vote rate does not fall steadily for counties using DREs, but jumps around. This variation may owe to the small number of observations in each year. Again, to resolve questions of possible learning or technology curves more detailed analyses and information beyond what we have collected will be required.

## Conclusions

Paper ballots, lever machines, and optically scanned ballots produce lower residual vote rates on the order of one to two percent of all ballots cast over punch card and electronic methods over the last four presidential elections.

Lever machines serve as a useful baseline: they were the most commonly used machines in the 1980s, the starting point of our analysis. The incidence of over and under votes with Lever machines is approximately two percent of all ballots cast. The incidence of such residual votes with punch card methods and electronic devices is forty to seventy percent higher than the incidence of residual votes with the other technologies.

We have not analyzed why these differences in residual votes arise. We believe that they reflect how people relate to the technologies, more than actual machine failures. State and federal voting machine certification tolerate very low machine failure rates: no more than 1 in 250,000 ballots for federal certification and no more than 1 in 1,000,000 ballots in some states. Certification serves as an important screen: machines that produce failure rates higher than these tolerance levels are not certified or used. We believe that human factors drive much of the "error" in voting, because the observed differences in residual voting rates that are attributable to machine types are on the order of 1 to 2 out of 100 ballots cast. Given the stringent testing standards for machinery in use, these differences are unlikely to arise from mechanical failures.

We have also not examined many details about the implementation of the machinery, such as manufacturer or precinct versus central counting of ballots or specific ballot layouts.

A final caveat to our findings is that they reflect technologies currently in use. Innovations may lead to improvements in reliability rates. In particular, electronic voting

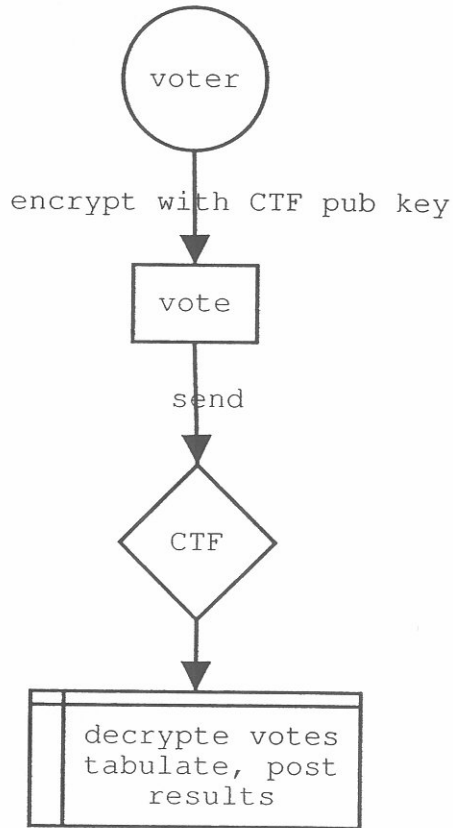
technology is in its infancy during the period we are studying, and has the greatest room for improvement. It seems the most likely technology to benefit significantly from new innovations and increased voter familiarity.

In the wake of the 2000 election, many state and local governments are reconsidering their choices of and standards for voting equipment. Many manufacturers are seeking to develop or improve machinery. This report identifies a performance standard in practice – an average residual vote not in excess of 2 percent of total ballots cast. With this benchmark in mind, we wish to call attention to the excellent performance of the optically scanned ballots, the best average performance of the newer methods, and especially to the older methods of voting – lever machines and paper ballots.

problems with voting:

- 1 only authorized voters should vote
- 2 no one should vote more than once
- 3 no one should be able to determine for whom anybody else voted
- 4 no one should be able to duplicate any one elses vote -> hardest
- 5 no one should be able to change anyones vote without being discovered
- 6 every voter should be able to make sure that his/her vote was taken into account (by receiving a receipt for example)
- 7 privacy from CTF

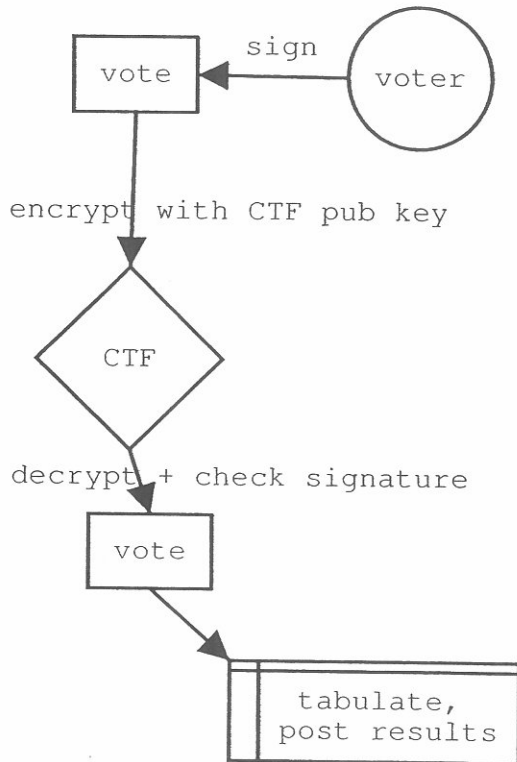
simple protocol I



problems:

- \* authentication (cf. 1)  
-> multiple votes? (cf. 2)
- \* privacy  
-> you have to trust the CTF (central tabulating facility) (cf. 7)
- \* i can fake your vote (cf. 4)

simple protocol II



problems:

- \* privacy: signature is still attached to the vote (cf. 7)



voting with validation nrs  
and 2 CTFs

