

for the Ocean Party candidate. So does the SBOE, also with an Ocean Party majority. A majority of the Senate is of the Mountain Party, and when the matter comes to the General Assembly, the Senate votes in favor of the Mountain Party challenger. The cries of partisanship in the process, both before it reached the General Assembly and once it arrived there, are loud.

The 2005 experience of the courts and the General Assembly following the 2004 election of superintendent of public instruction was a fascinating exercise in constitutional law. North Carolinians should hope that future elections do not routinely turn into partisan fights or manipulations that undermine the vote of the people in the general election.

What Questions Remain Open?

The course of Fletcher's protests leaves two open legal questions. First, Fletcher premised his protests on the argument that provisions of the North Carolina Constitution, read together, prohibit out-of-precinct provisional voting. The supreme court avoided ruling on that matter when it determined that out-of-precinct provisional voting was unauthorized by the statutes and therefore unlawful. One week after the governor signed the new legislation reaffirming out-of-precinct provisional voting, Fletcher asked the supreme court to reconsider the constitutional issue, but in May 2005 the supreme court denied the motion for reconsideration.²² Where does that leave the constitutional argument—waiting for a new lawsuit? Dead?

The new statutes provide that the actions by the General Assembly in determining contested Council of State races or contested races for the North Carolina Senate or House of Representatives "may not be reviewed by the General Court of Justice."²³ Might there someday be a challenge to that provision? Is it consistent with North Carolina jurisprudence and the separation of powers? Is the grant of power to the General Assembly under the North Carolina Constitution, to "determine" contested elections, suf-

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Only time will tell whether answers will emerge.

Notes

1. N.C. GEN. STAT. § 163-182.10 (hereinafter G.S.).
2. G.S. 163-182.13(a)(3).
3. Fletcher simultaneously filed a lawsuit, called a "declaratory judgment action." The issue was the same as the issue in the election protests.
4. Brief of Appellant on Atkinson Motion to Dismiss, James v. Bartlett, 359 N.C. 262 (2005) (No. 602PA04-2).
5. Atkinson Motion to Dismiss, James v. Bartlett, 359 N.C. 262 (2005) (No. 602PA04-2), citing N.C. CONST. art. VI, § 5.
6. James v. Bartlett, 359 N.C. 262, 264 (2005), *reconsideration denied*, 359 N.C. 633 (2005), *appeal after remand dismissed as moot*, ___ N.C. App. ___ (2006).
7. A subsection of G.S. 163-191.
8. James, 359 N.C. at 264.
9. *Id.* at 264-265.
10. Brief of Appellant on Atkinson Motion to Dismiss, at 3, James v. Bartlett, 359 N.C. 262 (2005) (No. 602PA04-2).
11. James, 359 N.C. at 269-70.
12. S.L. 2005-2.
13. The act amended G.S. 163-55, -166.11, and -182.2.
14. Fletcher appealed that dismissal to the North Carolina Court of Appeals, which, after the election had been determined in the General Assembly, dismissed the appeal as moot. *In re Election Protest of Bill Fletcher*, ___ N.C. App. ___ (2006). Fletcher sought a ruling on the declaratory judgment action that accompanied his election protest (see note 3), but the superior court never issued one.
15. G.S. 163-182.13A(d).
16. *Id.*
17. G.S. 163-182.13A(f).
18. Joint Select Committee on Council of State Contested Elections, Report as to the Law and the Facts and Recommendations to the General Assembly for Its Act, at 10 (filed with the Clerk of the House of Representatives, N.C. General Assembly, Aug. 9, 2005).
19. See note 13. In fact, the last action came in 2006 from the court of appeals.
20. Joint Select Committee, Report as to the Law, at 6.
21. Article II, § 20.
22. James v. Bartlett, 359 N.C. 633 (2005).
23. G.S. 163-182.13A(k), 120-10.12.

Complicated IT Issues Laid Bare

Mary Maureen Brown

Review of Public Information Technology and E-Governance: Managing the Virtual State

by G. David Garson

Although it is a bit dense for a casual read, *Public Information Technology and E-Governance: Managing the Virtual State*, by G. David Garson, offers meaty insight into a wide range of information technology (IT) topics that now dominate the public sector. IT has become a necessary component of service delivery in local governments, but adoption, implementation, and maintenance of IT initiatives can be a policy and managerial landmine. Garson attempts to lay bare many of the complicated issues that public managers often confront in their desire to leverage the benefits of IT.

Overall, the book is well written and has much to offer anyone who is either new to the field or steeped in its nuances. Probably recognizing that the average layperson usually has to resort to a dictionary to make sense out of IT's unnecessarily complex jargon, Garson offers some guidance on his subject by distinguishing among e-government, e-governance, digital government, IT, and information systems. The astute manager will quickly realize that in today's age the distinction is more academic than substantive. Call it what you like, the phenomenon is about employing IT to improve decision-making, streamline operations, and enhance services, all the while meeting demands for accountability, responsibility, and efficiency. A tall order indeed!

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The book contains fifteen chapters, which are organized into five sections. Each chapter is accompanied by a glossary of terms and a case study illustrating the main themes of the chapter.

The first section, not labeled as such, consists of two chapters, which introduce IT. Chapter 1 describes the various and sometimes contrasting visions that have dominated the field. It also provides a timeline of the competing theories of IT and change.

Chapter 2 presents a history of public-sector policy on IT. Garson sees current government efforts as “building the virtual state.”

The second section is the main part of the book. Entitled “Politics and Polity,” it offers six chapters: e-democracy, information equality and the digital divide, information access and governmental transparency, privacy, security, and regulation and taxation. Probably the most vexing point of this section is that many of the issues discussed in it remain unsettled and open to debate in the judicial and legislative branches.

Chapter 3 focuses on six “layers of democracy”: e-participation, e-civics, e-legislating, e-voting, e-campaigning, and e-activism. Garson provides insight into the activities that characterize each of these components.

The subsequent chapter, on the digital divide, calls attention to problems of access due to gender, race, age, and income. Garson claims that information inequalities continue to exist on a “massive scale” and that “public managers who ignore the digital divide in their pursuit of e-government may well wind up widening the divide, making matters worse” (p. 113).

Chapter 5, on governmental transparency, covers the Freedom of Information Act, commercial access rights, and disability access.

In the chapter on privacy, Garson discusses current privacy legislation and executive actions, data matching, privacy impact statements, and the controversy over a national identification system.

Chapter 7, on security, delves into legislative and executive branch actions, homeland security, infrastructure protection and cybercrime, encryption, authentication, federal ID cards, and agency-level security policies.

In the chapter on regulation and taxation, Garson opens with the claim that “taxation of the Internet may be the greatest U.S. fiscal issue of the coming decade as more and more commerce shifts to online stores . . .” (p. 225). He goes on to provide insight into many of the court actions that appear to shape discourse on Internet taxation and regulation. He discusses computer fraud and the protection of intellectual property. He also delves into the regulation of online pornography and gambling.

The third section, consisting of four chapters, addresses the management of e-government activities. It offers hands-on, practical advice for those pursuing e-government solutions. Chapter 9 explores the nuances of constructing an e-government business model. Chapter 10 delves into issues of partnering, outsourcing, contracting, and procurement. Chapter 11 provides guidance on planning. Chapter 12 discusses project management.

The fourth section, although titled “Implementation,” is really more of a section on best practices and systems evaluation. Chapter 13 discusses the high failure rate that accompanies IT adoption and offers tried-and-true advice on avoiding the pitfalls that are often encountered. Chapter 14 presents tools for assessing and measuring the impacts of IT initiatives. It covers topics such as cost-benefit analysis, the Program Assessment Rating Tool, and the Performance Reference Model.

The fifth and last section has one chapter, on organization behavior and organization theory. It poses a number of questions regarding the effects of IT on organizational structure, behavior, and change. Specifically it attempts to shed light on whether IT

- *flattens organizational structures by shrinking middle management,*
- *reinforces or erodes organizational power structures,*
- *weakens organizational norms through de-individuation,*
- *intensifies social networking and builds social capital, and*
- *improves managerial decision-making. (p. 446)*

Clearly the book is comprehensive in its approach. Public management readers are likely to find important implementation advice in Sections 3 and 4. For those who are either in the midst of implementation or considering IT alternatives, these sections offer sage words on best practices.

In sum, Garson’s book provides tremendous breadth and depth on the topic of IT by relying heavily on empirically based studies and reports. Hence Garson provides his readers with good, solid, thoughtful, and deliberative information without the hype that often accompanies books on this topic.

The School of Government’s Center for Public Technology (CPT) helps North Carolina local government officials improve their skills, expand the capacity of local services, and strengthen their communities through the appropriate use of IT. For details, contact Shannon Schelin, CPT director, at 919.962.5438, or visit www.cpt.unc.edu.

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