



# Grading the Candidates on Tech: 2016 Senate Races

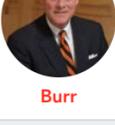
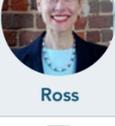


Engine Advocacy

**Tusk**Ventures

# Grading the Candidates on Tech: 2016 Senate Races

Are the 2016 U.S. Senate candidates passing or failing on the most critical issues for startups and tech?

STATE	CANDIDATE	TELECOM	INTELLECTUAL PROPERTY	DATA PRIVACY/SECURITY	TALENT
AZ	 McCain	C+	F	F	B+
	 Kirkpatrick	C+	Incomplete	Incomplete	B
FL	 Rubio	D	C	D	A
	 Murphy	A	Incomplete	D+	A
IL	 Kirk	C-	B+	Incomplete	A
	 Duckworth	A	Incomplete	Incomplete	A-
IN	 Young	Incomplete	A	Incomplete	Incomplete
	 Bayh	Incomplete	Incomplete	Incomplete	Incomplete
MO	 Blunt	D-	D	Incomplete	A
	 Kander	Incomplete	Incomplete	Incomplete	Incomplete
NH	 Ayotte	C-	B-	D+	A
	 Hassan	A	Incomplete	Incomplete	Incomplete
NC	 Burr	D-	B+	F	Incomplete
	 Ross	Incomplete	Incomplete	Incomplete	Incomplete
NV	 Heck	Incomplete	A	Incomplete	B+
	 Cortez Masto	Incomplete	Incomplete	Incomplete	Incomplete
OH	 Portman	D	A	C-	A-
	 Strickland	Incomplete	Incomplete	Incomplete	Incomplete
PA	 Toomey	D	B+	Incomplete	Incomplete
	 McGinty	Incomplete	Incomplete	Incomplete	Incomplete
WI	 Johnson	D-	C	A-	Incomplete
	 Feingold	A	Incomplete	A	B+

## Grading the Candidates on Tech: 2016 Senate Races

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Are the 2016 U.S. Senate candidates passing or failing on the critical issues facing tech and startups? While many Senators often talk about their support for the tech sector, the institution as a whole has not produced the kind of meaningful reforms many in the tech community believe are necessary to support innovation, from high-skilled immigration reform to support for strong encryption technologies.

Engine and Tusk Ventures have [teamed up again](#) to put together a list of the current key issues facing startups and the innovation economy. These are big problems with big implications for millions of jobs, workers and most, if not all, of America's most innovative companies.

We've examined issues like encryption, intellectual privacy, talent, and capital access and graded\* each candidate individually so voters can see what they're doing--and what they're not.

We cannot emphasize enough that no candidate is perfect on all startup issues, and neither party can consider themselves to be the "party of tech." Instead, nearly all of these candidates have ignored or oversimplified more than one of these issues throughout their political careers, and many have failed to outline or champion any tech policies whatsoever.

The battle for smart legislation that helps, not hurts the digital economy will continue for years to come. Congress has not missed its chance to meaningfully help the digital economy, but legislative action must happen sooner rather than later.

We hope this guide will help voters make an informed choice at the polls in November and encourage others to keep pressure on Congressional leaders to do even more for tech after the election in the upcoming legislative session.

*\*Candidates were evaluated on publicly available actions and statements. Actions (co-sponsorship of bills, votes) were weighted more heavily than statements. Candidates with an insufficient record on one or more of the issues in a category were graded incomplete. See additional methodology in the Appendix.*

## Core Issues

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### **Broadband Access & Infrastructure**

Connecting more Americans to broadband is critical to growing our entrepreneurial economy. Startups rely on broadband connectivity to reach users, develop innovative products and services, and run their daily operations. But broadband deployment alone is not enough; startups also depend on an internet that is free and open. For a faster, more innovative internet, candidates should support policies that expand and improve connectivity and infrastructure (like making more spectrum available for commercial use) and protect net neutrality.

*Teacher's Pet:* **Sen. Russ Feingold** (D-WI) has made [broadband expansion](#) a key component of his messaging in the race, and has actively campaigned for [net neutrality](#). **Gov. Maggie Hassan** (D-NH) has pursued initiatives to [expand broadband access for K-12 public schools](#), advocated for [improved 4G cell and broadband service](#) in rural areas, and supports “a free and fair Internet” through [net neutrality](#).

*Room to Improve:* **Sen. Roy Blunt** (R-MO) has opposed net neutrality since taking office: he voted for an [anti-net neutrality resolution](#) in 2011, joined a [letter opposing net neutrality](#) in 2014, and has been a [vocal opponent](#) of the FCC's Open Internet Order. Additionally, while Blunt is on the record as supporting expanded rural broadband access, he sent a [letter to the FCC](#) earlier this year criticizing the Commission's decision to increase the minimum requirements for broadband from 4Mbps to 25Mbps.

### **Intellectual Property**

Startups rely on patent and copyright systems that protect intellectual property without hampering innovation. Candidates should champion patent reform, which is essential in order to reign in the power of patent trolls and mitigate the devastating effects on startups of abusive patent litigation. Candidates should also support copyright laws that balance the interests of rightsholders and online platforms—unlike the draconian copyright protections included in the [Stop Online Piracy Act \(SOPA\)](#) and [PROTECT IP Act \(PIPA\)](#), which Congress attempted to pass five years ago.

*Teacher's Pet:* **Sen. Rob Portman** (R-OH) [voted "yes"](#) on the [America Invents Act](#) and [opposed PIPA](#). But he has gone even further to champion startup-friendly IP policies, [co-authoring a letter](#) urging Congress to “move swiftly to advance necessary reforms to address abusive patent litigation.”

*Room to Improve:* **Sen. John McCain** (R-AZ) finds himself with an “F” on IP as a result of his opposition to the [America Invents Act](#) and his [co-sponsorship of PIPA](#), which attempted to stifle Internet freedoms and innovation by forcing tech companies to police their own users. *PIPA* was tabled in 2012 after tech companies across the nation rallied against the bill.

### **Data Security & Privacy**

Considerations around how companies, governments, and individuals access, protect, and share data are increasingly important in policy and regulatory discussions. This year’s debate around encryption has shown how policymakers’ lack of understanding of complex technologies can lead to legislation (like the Burr-Feinstein anti-encryption bill) that would damage the digital economy. It is essential that candidates recognize the importance of strong encryption. And in light of the negative impact that the Snowden revelations have had on the competitiveness of American tech companies abroad, candidates should support reforms to U.S. government surveillance laws.

*Teacher’s Pet:* **Sen. Russ Feingold** (D-WI) has been a leading proponent of encryption and data security since 1998. Feingold was the [only Senator to oppose](#) the expansion of governmental surveillance under the Patriot Act when the bill was first introduced in 2001. He has also routinely [recognized the critical importance of encryption](#), arguing that forcing companies to build backdoors would weaken security and “[be a mistake](#)”.

*Room to Improve:* **Sen. Richard Burr** (R-NC) co-authored the problematic [Burr-Feinstein anti-encryption bill](#) that would undermine encryption and compromise data security by requiring U.S. tech companies to decrypt communications for law enforcement. Despite broad pushback from the startup and technology communities, Burr has not budged on the policy. Burr also [opposed the USA Freedom Act](#), which passed Congress in 2015 and reined in NSA surveillance powers.

### **Talent**

The success of the American startup ecosystem is dependent on access to a diverse pipeline of well-rounded and highly trained individuals. Candidates should support policies that focus on training and attracting top talent through skilled immigration reforms and improvements to U.S. STEM education.

*Teacher’s Pet:* **Sen. Mark Kirk** (R-IL) has made high-skilled immigration and STEM education focal points of his time in Congress. He established the [STEM Education and Workforce Caucus](#) in 2013 and co-sponsored the [I-Squared Act](#), which would raise the cap on H-1B visas to accommodate more talented, high-skilled foreign workers and direct fees from the H-1B program towards funding improved STEM education and training.

## Extra Credit

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### The On-Demand Economy

Call it what you want—the sharing economy, the gig economy, the on-demand economy—but this new approach to the provision of goods and services currently employs nearly one million individuals, from house cleaners to drivers to software developers. Yet the on-demand economy is under attack from regulators and policymakers, threatening the future of the industry. Fortunately, some policymakers, like Senators Rubio (R-FL) and Warner (D-VA), and have recognized the promise of the on-demand economy.

*Teacher's Pet:* **Sen. Marco Rubio (R-FL)** has been [quoted](#) as saying "the on-demand economy is a miracle that only American free enterprise could produce" and dedicated an entire chapter of his book to how to make the regulatory environment friendlier for Uber. He has also suggested there should be a third worker-tax classification beyond W2 employees and 1099 contractors that would take into account people who work with on-demand services like Uber and Handy. That said, while it is encouraging to see Rubio acknowledge the importance of these issues, it's still a far cry from proposing worthwhile legislative solutions. We'll be looking for Senator Rubio to follow through on his talk if he's re-elected this year.

### Autonomous Systems

Autonomous systems like self-driving cars and drones have the potential to transform the way we live, work, and play. But as with many innovative technologies that operate in traditionally regulated spaces, the future of these autonomous systems will be dictated in a large part by the legal and regulatory environment established by policymakers. Congress will consider many of these policies in the coming years, and it is important that candidates recognize the need for a balanced approach that protects consumers without stifling innovation with overly burdensome regulations.

*Teacher's Pet:* **Rep. Joe Heck (R-NV)** [co-chairs the Congressional Unmanned Systems Caucus](#) and has [warned against over-regulating](#) the nascent commercial drone industry, arguing that "Now is not the time to over-regulate the unmanned systems industry – it must be allowed to grow and flourish so we can find out what these systems can do and the benefits they can provide." His understanding of the promise of autonomous systems puts him miles ahead of many other members of Congress.

## Capital Access

Limited access to capital can be one of the biggest challenges a startup faces. In recent years, Congress has taken steps toward loosening regulations on how startups can raise money from new groups of investors, most significantly with the regulation crowdfunding provisions included in the *JOBS Act*. Candidates should support policies that create sustainable capital streams for entrepreneurs and encourage investment in early stage companies.

*Teacher's Pet:* **Rep Patrick Murphy** (D-FL) has been a champion of improved capital access for startups. In 2014, he introduced the [Angel Tax Credit Act](#), which would allow angel investors to claim a credit against a portion of their investment in high-tech startups. He also supported the [Fix Crowdfunding Act](#), which passed the House earlier this year and makes targeted fixes that will significantly improve regulation crowdfunding.

## Internet of Things

The Internet of Things (IoT) is expected to [grow to 50 billion connected "things" by 2020](#), creating \$19 trillion in economic value during that same time period. This exponential growth is already prompting a boom in startups building the gadgets and services powering the IoT future. However, in order for IoT to truly take off, outdated regulations must be improved and spectrum bandwidth concerns must be addressed. Candidates should support forward-thinking policies that encourage the growth of IoT.

*Teacher's Pet:* **Sen. Kelly Ayotte (R-NH)** understands the promise of IoT as a co-sponsor of the [DIGIT Act](#), which would create a working group of federal and private stakeholders to explore the possibilities of IoT. As she noted upon introduction of the bill, "Whether it's fitness wearables or cloud infrastructure, harnessing the full potential of connected data flow from IoT devices will serve to create newfound efficiencies for consumers, entrepreneurs, and businesses of all sizes."

## Arizona: McCain v. Kirkpatrick

CANDIDATE	TELECOM	INTELLECTUAL PROPERTY	DATA PRIVACY/SECURITY	TALENT
 McCain	<b>C+</b>	<b>F</b>	<b>F</b>	<b>B+</b>
 Kirkpatrick	<b>C+</b>	Incomplete	Incomplete	<b>B</b>

### Senator John McCain (R)

Background: Member of U.S. Senate since 1987

Having been in the Senate for almost three decades, McCain has a fairly comprehensive record on startup and technology issues. McCain has been on the side of the startup community in some instances, supporting key bills like the [JOBS Act](#) (extra credit point!), advocating for expanded [broadband access](#), and supporting efforts to auction inefficiently-used [spectrum](#) for commercial use. He also [co-sponsored the I-Squared Act](#), which would raise the cap on H-1B visas to accommodate more talented, high-skilled foreign workers. However, on most of the top issues for startups in recent years, McCain's record isn't great. He [opposes net neutrality](#), voted no on the [USA Freedom Act](#), co-sponsored [PIPA](#), opposed the [America Invents Act](#), and has supported legislative efforts that would [ban end-to-end encryption](#) and require companies to build backdoors into their products.

### Congresswoman Ann Kirkpatrick (D)

Background: Member of U.S. House of Representatives from 2009 - 2011, since 2013

As a member of the House, Kirkpatrick has supported a number of pro-startup issues, voting in favor of the [USA Freedom Act](#) and the [Innovation Act](#), and supporting [improved STEM education](#) and [comprehensive immigration reform](#). On net neutrality, Kirkpatrick opposed the [No Rate Regulation Act](#) (which would block the FCC from enforcing net neutrality). However, in 2010, Kirkpatrick signed a [letter](#) alongside 73 other Democrats asking the FCC to abandon its net neutrality efforts, making her position on the issue somewhat unclear. Additionally, her relatively short time in office makes it difficult to surmise her positions on copyright policy, encryption issues, and a number of other key technology issues.

## Florida: Rubio v. Murphy

CANDIDATE	TELECOM	INTELLECTUAL PROPERTY	DATA PRIVACY/SECURITY	TALENT
 Rubio	D	C	D	A
 Murphy	A	Incomplete	D+	A

### Senator Marco Rubio (R)

Background: Member of U.S. Senate since 2011

We've already evaluated Rubio once this year in our [presidential candidate report card](#), noting that if he wants to be the tech industry's savior, he may want to reconsider a few of his policy positions. On the positive side, Rubio supports [patent reform](#) and is strong on workforce and skills issues. Even as his support for comprehensive reform has wavered, he has consistently supported high-skilled immigration reforms, co-sponsoring both the [I-Squared Act](#) and the [Startup Act](#). He has also historically made STEM education a priority in his education platform, has sponsored the [Computer Science Education and Jobs Act](#), and highlighted the emerging [on-demand economy](#) on the Presidential campaign trail. But his assertion that [net neutrality](#) will give power over the Internet to "an unelected, unaccountable board" is patently false (and peculiar, considering he himself voted to confirm all five FCC commissioners), and his staunch support of [government surveillance](#) programs raises red flags. He also has a mixed record on broadband access (opposing [municipal broadband](#) while supporting increased access to commercial [spectrum](#)) and has been wishy washy on his position on [encryption](#).

### Congressman Patrick Murphy (D)

Background: Member of U.S. House of Representatives since 2013

Though Murphy has only served in the House of Representatives since 2013, he has already championed a number of startup-friendly policies. He is a strong supporter of [net neutrality](#), recognizes the importance of [broadband access](#) as a tool for economic growth and has called for boosting [STEM education](#). As far as his legislative record is concerned, Murphy voted "yes" on both the [Innovation Act](#) and the [USA Freedom Act](#), and co-sponsored the [Startup Act](#), which would create two new visas for entrepreneurs and STEM graduates. However, his record on copyright issues is less clear, as he was not in office for the SOPA/PIPA debates, and his stance on [encryption](#) is problematic.

## Illinois: Kirk v. Duckworth

CANDIDATE	TELECOM	INTELLECTUAL PROPERTY	DATA PRIVACY/SECURITY	TALENT
 Kirk	C-	B+	Incomplete	A
 Duckworth	A	Incomplete	Incomplete	A-

### Senator Mark Kirk (R)

Background: Member of U.S. Senate since 2010

Kirk has signaled some general support for and interest in technology and startup issues: he established the [STEM Education and Workforce Caucus](#) in 2013, is a member of the [Internet Caucus](#) (extra credit!), supports expanding [rural broadband](#) access, supported the [USA Freedom Act](#), and proposed a [Small Business Bill of Rights](#). Most significantly, Kirk [opposed PIPA](#) and is a co-sponsor of the [I-Squared Act](#), a high-skilled immigration bill widely supported by the tech community. However, Sen. Kirk has strongly opposed [net neutrality](#), hasn't taken a position on encryption, and the specific proposals in his Small Business Bill of Rights have very little to do with the needs of today's high-tech companies.

### Congresswoman Tammy Duckworth (D)

Background: Member of U.S. House of Representatives since 2012

Duckworth has a good record on broadband access and infrastructure: she voted against the [No Rate Regulation Act](#), sees [broadband](#) as an essential utility, and has advocated for expanded access. She has also made STEM education a priority, supporting President Obama's [Computer Science For All](#) grants and helping to launch the [FUSE program](#) in her district, which engages students in the STEM areas. Additionally, she has voted favorably on some key bills (including the [USA Freedom Act](#) and the [Innovation Act](#)). However, she has little on her record in terms of copyright issues and encryption.

## Indiana: Young v. Bayh

CANDIDATE	TELECOM	INTELLECTUAL PROPERTY	DATA PRIVACY/SECURITY	TALENT
 Young	Incomplete	<b>A</b>	Incomplete	Incomplete
 Bayh	Incomplete	Incomplete	Incomplete	Incomplete

### Representative Todd Young (R)

Background: Member of U.S. House of Representatives since 2010

As a member of Congress since 2010, Young has had the opportunity to weigh in on a number of policy issues relevant to the startup community. He has been an ally on IP-related issues, voting “yes” on both the [America Invents Act](#) and the [Innovation Act](#) and opposing [SOPA](#). He’s also aligned with the tech community on government surveillance issues, supporting the [USA Freedom Act](#). And we gave him extra credit for his support of the [JOBS Act](#). However, Young was docked points for his strong opposition to net neutrality: he supported a [resolution](#) disapproving of the FCC’s net neutrality rules and voted “yes” on the [No Rate Regulation of Broadband Internet Access Act](#), which would have curtailed the FCC’s ability to enforce its Open Internet Order. His positions on broadband expansion, encryption, high-skilled immigration reform, and STEM education are unclear.

### Senator Evan Bayh (D)

Background: Member of U.S. Senate, 1999-2011; Governor of Indiana, 1989-1997

While Bayh has held the office of Senator before, his time in Congress preceded many of the key votes and issues that we examined for this analysis. And though his [campaign website](#) notes that Bayh will “fight to reduce regulations and increase access to capital for small business owners so that they can grow their organization,” his positions on most of the issues evaluated for this scorecard are unclear. He has made some positive efforts around [broadband investment](#): during his time as governor of Indiana, he awarded \$3 million in grants to help public schools get better access to the internet.

## Missouri: Blunt v. Kander

CANDIDATE	TELECOM	INTELLECTUAL PROPERTY	DATA PRIVACY/SECURITY	TALENT
 Blunt	D-	D	Incomplete	A
 Kander	Incomplete	Incomplete	Incomplete	Incomplete

### Senator Roy Blunt (R)

Background: Member of U.S. Senate since 2011

Blunt scores tech-friendly points for co-sponsoring the [I-Squared Act](#) and the [Startup Act](#). He also co-sponsored the [Startup Innovation Credit Act](#), which passed Congress as part of the tax extenders package in 2015 and allows startups to claim the R&D tax credit against their payroll taxes (extra credit!). However, his positions on IP, privacy & security, and telecommunications issues range from unclear to very concerning. On IP issues, Blunt initially [co-sponsored PIPA](#) but withdrew his support after the intense pushback it received. He supported the [America Invents Act](#) but [watered down](#) the 2007 Patent Reform Act while in the House. His position on encryption is unclear, but he opposed the [USA Freedom Act](#). Finally, his positions on broadband are abysmal: he opposes [net neutrality](#) and has called on the FCC to reverse its decision to update the [definition of broadband](#) from 4 Mbps to 25 Mbps, essentially calling for lower broadband speeds.

### Secretary Jason Kander (D)

Background: Missouri Secretary of State since 2013

Though Kander has held elected statewide office as Missouri Secretary of State, he is an unknown quantity when it comes to most startup and tech issues. He has pushed back on Blunt's position on [broadband speeds](#), arguing that "Missourians deserve access to the Internet as a basic, essential utility, and our leaders in Washington need to do everything they can to help expand and improve broadband speeds—especially in rural areas." Otherwise, he has very little record to judge.

## New Hampshire: Ayotte v. Hassan

CANDIDATE	TELECOM	INTELLECTUAL PROPERTY	DATA PRIVACY/SECURITY	TALENT
 Ayotte	C-	B-	D+	A
 Hassan	A	Incomplete	Incomplete	Incomplete

### Senator Kelly Ayotte (R)

Background: Member of U.S. Senate since 2011

Sen. Ayotte earns points for her votes in favor of several bills key to the tech and startup community, such as the [USA Freedom Act](#) and the [America Invents Act](#). She also has a good record on talent issues: she is a co-sponsor of the [I-Squared Act](#) and pushed for measures in the Every Student Succeeds Act to strengthen [STEM education](#) and encourage more girls and minorities to participate in STEM. Ayotte also gets some extra credit for introducing bills to [reduce regulations](#) on small businesses and co-sponsoring the [DIGIT Act](#), which supports the future of the Internet of Things. However, she is docked points for her staunch opposition to [net neutrality](#), her views on [encryption](#), and for initially co-sponsoring [PIPA](#) (though she later withdrew support).

### Governor Maggie Hassan (D)

Background: New Hampshire Governor since 2013

Hassan has made the growth of the tech and startup community in New Hampshire a priority since taking office as Governor. She recently announced the [Innovate NH 2.0 plan](#) to encourage high tech economic growth, and launched the [Live Free and Start Initiative](#) to help modernize New Hampshire's government and to foster a startup ecosystem. She also launched a [STEM Task Force](#) to modernize New Hampshire's public school curriculum. Hassan has a stellar record on broadband: she supports expanding [rural broadband access](#) and improving [4G mobile service](#), and has pledged to protect the FCC's [net neutrality](#) rules. However, she has not taken a formal stance on issues such as immigration, intellectual property, encryption, or surveillance.

## North Carolina: Burr v. Ross

CANDIDATE	TELECOM	INTELLECTUAL PROPERTY	DATA PRIVACY/SECURITY	TALENT
 Burr	<b>D-</b>	<b>B+</b>	<b>F</b>	Incomplete
 Ross	Incomplete	Incomplete	Incomplete	Incomplete

### **Senator Richard Burr (R)**

Background: Member of U.S. Senate since 2005

Burr has drawn the ire of the tech community in recent months for his [efforts to undermine encryption](#) by sponsoring [a bill](#) effectively requiring companies to decrypt communications for law enforcement. He also opposed the [USA Freedom Act](#), which reigned in the NSA’s surveillance powers. On telecommunications issues, while Burr has advocated for improved [rural broadband access](#), he has staunchly opposed net neutrality, going so far as to co-sponsor the [Internet Freedom Act of 2009](#), a bill that would have stripped the FCC of authority to pass or enforce net neutrality rules or regulate ISPs in any way. On the positive side, Burr opposed [PIPA](#) and voted in favor of the [America Invents Act](#). His positions on high-skilled immigration and STEM education are unclear, though Burr did [oppose the comprehensive immigration reform bill](#) in 2013.

### **Representative Deborah Ross (D)**

Background: Member of North Carolina State House Representative from 2003-2013

In response to Senator Burr’s controversial encryption bill, Ross made a [vague statement](#) arguing that more debate on the “complicated issue” is needed. She has said she would have supported the [2013 immigration bill](#) that passed the Senate but has said little about high-skilled immigration specifically. Her campaign website makes generally positive [statements](#) about her interest in helping small businesses and bringing jobs to North Carolina, but there’s little record to analyze on tech and startup issues.

## Nevada: Heck v. Cortez Masto

CANDIDATE	TELECOM	INTELLECTUAL PROPERTY	DATA PRIVACY/SECURITY	TALENT
 Heck	Incomplete	<b>A</b>	Incomplete	<b>B+</b>
 Cortez Masto	Incomplete	Incomplete	Incomplete	Incomplete

### **Representative Joe Heck (R)**

Background: Member of U.S. House of Representatives since 2010

Heck received good marks for his positions on intellectual property and talent. He supported both the [America Invents Act](#) and the [Innovation Act](#), and opposed [SOPA](#). As a member of the House Committee on Education and the Workforce, he has prioritized [STEM training](#), participating in initiatives such as the Congressional App Challenge and recognizing that “An educational foundation in the STEM fields—science, technology, engineering, and mathematics—will give our students the knowledge and skills to be successful in a competitive global marketplace that is becoming more scientifically and technologically advanced.” He is also a proponent of [comprehensive immigration reform](#) and has argued that scaling back the [H1-B visa program](#) could hurt economic growth. Heck also supported the [USA Freedom Act](#) and the [JOBS Act](#) (extra credit). Unfortunately, Heck has opposed net neutrality, voting for an [anti-net neutrality resolution](#) in 2011 and supporting [a bill](#) that would have limited the FCC’s ability to enforce its Open Internet Order. His positions on broadband and encryption are unclear.

### **Catherine Cortez Masto (D)**

Background: Nevada Attorney General, 2007-2015

While Cortez Masto has [pledged](#) to “ensure every rural community has access to high-speed broadband, and small businesses have access to necessary capital to keep and create jobs,” her positions on most of the issues we evaluated for this scorecard are unknown. She supports comprehensive immigration reform but has not made statements on high-skilled visa programs specifically. On IP policy, Cortez Masto joined a 2014 letter from the National Association of Attorneys General that supported Congress’ [patent reform](#) efforts but raising a number of issues relevant to state interests.

## Ohio: Portman v. Strickland

CANDIDATE	TELECOM	INTELLECTUAL PROPERTY	DATA PRIVACY/SECURITY	TALENT
 Portman	D	A	C-	A-
 Strickland	Incomplete	Incomplete	Incomplete	Incomplete

### Senator Rob Portman (R)

Background: Member of U.S. Senate since 2010; Member of the U.S. House of Representatives, 1993-2005

In his time in the U.S. Senate, Portman has championed a number of startup-friendly policies. Portman formed the [Senate Career and Technical Education Caucus](#) to support efforts to ensure all students have access to high-quality, rigorous career and technical education and wrote a letter in 2014 calling for [patent reform](#). Portman also opposed [PIPA](#), voted “yes” on the [America Invents Act](#), and supported legislation in the House in 2000 to increase the number of available [H-1B visas](#) (though he did oppose the [comprehensive immigration reform bill](#) that passed the Senate in 2013 due to the bill’s enforcement provisions). He has a mixed record on data security and privacy issues: he is a cosponsor of the Warner-McCaul [Digital Security Commission Act](#), which would create a Commission around encryption, but opposed the [USA Freedom Act](#). On broadband-related policies, Portman has made general statements in support of rural broadband but opposes [net neutrality](#).

### Governor Ted Strickland (D)

Background: Ohio Governor from 2007-2011; Member of U.S. House of Representatives, 1993-1995, 1997-2007

As governor of Ohio, Strickland led efforts to expand [broadband access](#) across the state. He has also supported [education efforts](#) that give students the “critical skills necessary for the 21st century workplace” during his time as Governor of Ohio. While he served in Congress for ten years, his term ended in 2007, before many of the key pieces of legislation in this analysis were considered. The limited record he does have is somewhat mixed: in 2005, Strickland voted against making the PATRIOT Act permanent, but in 1998, he voted against a bill that would have nearly doubled the number of available H1-B visas.

## Pennsylvania: Toomey v. McGinty

CANDIDATE	TELECOM	INTELLECTUAL PROPERTY	DATA PRIVACY/SECURITY	TALENT
 Toomey	<b>D</b>	<b>B+</b>	Incomplete	Incomplete
 McGinty	Incomplete	Incomplete	Incomplete	Incomplete

### Senator Patrick Toomey (R)

Background: Member of U.S. Senate since 2011

Sen. Toomey was one of the key members of Congress behind the [JOBS Act](#), and as a member of the Senate Banking Committee, he has a strong record on capital access issues (extra credit!). He opposed [PIPA](#), supported the [America Invents Act](#), and is supportive of [high-skilled immigration reform](#), all positions earning him a more favorable rating. However, Sen. Toomey opposed the [USA Freedom Act](#) and has been vocal in his opposition to [net neutrality](#), hyperbolically and inaccurately calling it a "massive government takeover." His positions on broadband access, encryption, and STEM education are unclear.

### Katie McGinty (D)

Background: Environmental protection professional

Most of McGinty's economic and technology policy background has been in the clean and renewable energy space, but her positions on other key tech issues are unknown. Though her campaign website suggests she is interested in "[nurturing start-up tech businesses](#)," it is difficult to draw any conclusions about her support for startup policies from her limited background. She has said that she would have voted for the Senate's comprehensive [immigration reform](#) package that passed in 2013 and included a number of reforms to high-skilled immigration. She has made vague statements on the issue of [encryption](#).

## Wisconsin: Johnson v. Feingold

CANDIDATE	TELECOM	INTELLECTUAL PROPERTY	DATA PRIVACY/SECURITY	TALENT
 Johnson	D-	C	A-	Incomplete
 Feingold	A	Incomplete	A	B+

### Senator Ron Johnson (R)

Background: Member of U.S. Senate since 2010

Johnson's overall score is weighed down in large part by his low marks on telecom issues, as his opposition to [net neutrality](#) and the FCC's decision [redefine broadband](#) from 4 Mbps to 25 Mbps puts him at odds with the vast majority of the tech community. He also voted against the [America Invents Act](#). On the positive side, Johnson has expressed support for [high-skilled immigration](#), opposed [PIPA](#), voted for the [USA Freedom Act](#), and in his position as chair of the Homeland Security Committee he has spoken of the importance of [encryption](#) and the dangers of government-mandated backdoors. His position on STEM education is unclear.

### Senator Russ Feingold (D)

Background: Member of U.S. Senate from 1992-2010

In his previous tenure in the Senate, Feingold positioned himself as one of the strongest proponents of digital security and privacy, recognizing the value of strong [encryption](#) to the internet economy as far back as 1998 and presciently anticipating the wide-ranging negative consequences of the government's [surveillance programs](#). He continues to [argue](#) that forced "backdoors" would be a huge mistake. Feingold has been a strong supporter of [net neutrality](#) and has made [broadband expansion](#) a key element of his campaign. He has also voiced concerns around skills gap, improvements to [STEM education](#) and better alignment of [workforce development](#) and industry needs. His stance on high-skilled immigration is somewhat unclear: he voted "no" on a 1998 bill that would have increased [visas for skilled workers](#), but supported a [comprehensive immigration bill](#) that included high-skilled reforms. He loses some points for his problematic position on [patent reform](#). His position on copyright issues is unknown.

# Appendix

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## Methodology

Candidates were evaluated on publicly available actions and statements. Actions (co-sponsorship of bills, votes, letters) were weighted more heavily than statements. Some bills were weighted more heavily than others, depending on their provisions and their impact on the startup community. Candidates with no record on one or more of the issues in a category were graded incomplete for that category. Issue-specific details below.

## **Broadband Access & Infrastructure**

Candidates were graded based on their positions on:

- Open Internet: Does the candidate support net neutrality?
- Access: Does the candidate support policy and investments to expand and improve internet connectivity (e.g. spectrum policy, municipal broadband, infrastructure improvements)?

Key bills:

- [No Rate Regulation of Broadband Internet Access Act](#)
- [2011 Anti-Net Neutrality Resolution](#)

## **Intellectual Property**

Candidates were graded based on their positions on:

- Patent Reform: Does the candidate support reform to weaken patent trolls and improve patent quality?
- Copyright: Does the candidate support a balanced approach to copyright that encourages openness and innovation?

Key bills:

- [The Innovation Act](#)
- [The Leahy-Smith America Invents Act](#)
- [The Stop Online Piracy Act](#) (SOPA) and [PROTECT IP Act](#) (PIPA)

## Data Security & Privacy

Candidates were graded based on their positions on:

- Encryption: Does the candidate recognize the importance of strong encryption?
- Privacy and Surveillance: Does the candidate support reforming and modernizing government surveillance laws?

Key bills:

- Feinstein-Burr [Compliance with Court Orders Act of 2016](#)
- Warner-McCaul [Digital Security Commission Act](#)
- [USA Freedom Act](#)

## Talent

Candidates were graded based on their positions on:

- Immigration Reform: Does the candidate support expanding opportunities for global technical talent and entrepreneurs to work in U.S.?
- Education and Workforce Development: Does the candidate support expanding STEM education and tech-oriented workforce training?

Key bills:

- [Startup Act](#)
- [I-Squared Act](#)
- [Border Security, Economic Opportunity, and Immigration Modernization Act](#) (Comprehensive Immigration Reform)

## Grading Scale

A = Great! Supportive and understanding of the issue.

B = Good, but room for improvement or clarification of position.

C = Mixed record on the issue.

D = Bad. Has expressed problematic positions on the issue.

F = Failing. Shows no understanding or complete lack of support.

Incomplete = Not enough information to provide a clear grade.

### **About Engine Advocacy**

Engine Advocacy is a technology policy, research, and advocacy organization that bridges the gap between policymakers and startups, working with government and a community of high- technology, growth-oriented startups across the nation to support the development of entrepreneurship. Engine creates an environment where technological innovation and entrepreneurship thrive by providing knowledge about the startup economy and constructing smarter public policy. To that end, Engine conducts research, organizes events, and spearheads campaigns to educate elected officials, the entrepreneur community, and the general public on issues vital to fostering technological innovation. To learn more, visit <http://engine.is>.

### **About Tusk Ventures**

Tusk Ventures is the first political strategy firm focused primarily on helping startups navigate the political, regulatory, and media hurdles that come with reshaping entrenched industries. Tusk's investment professionals and in-house team of political and regulatory experts partner directly with high- growth companies entering highly regulated sectors and work with them to accomplish their goals through direct advocacy, campaign management, narrative development and strategic execution. To learn more, visit [www.tuskventures.com](http://www.tuskventures.com).