

consultants.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV
11/07/2006 09:45 AM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Re: VF and VI study

Yes (at T:\RESEARCH IN PROGRESS\VOTING FRAUD-VOTER INTIMIDATION\Interviews\Interview Summaries). Do you want me to do the same with those as I did with the literature summaries? --- Peggy

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
11/07/2006 09:33 AM

To Margaret Sims/EAC/GOV@EAC
cc
Subject VF and VI study

Did Tova and Job provide us with summaries or notes of their interviews?

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Margaret Sims/EAC/GOV
11/07/2006 11:29 AM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Re: VF and VI study

OK, I will get started on the interview summaries today.

DOJ (Donsanto and Tanner) raised objections to the consultants' description of their interviews, which

000402

Subject VF and VI study

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Margaret Sims/EAC/GOV

11/07/2006 09:45 AM

To Juliet E. Hodgkins/EAC/GOV

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----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Juliet E. Hodgkins/EAC/GOV

11/07/2006 09:47 AM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Re: VF and VI study 

that would be great. I am also interested in identifying the points of contention between DOJ and the

000401

state that DOJ officials agreed they were bringing fewer intimidation and suppression cases. An advocacy group is going after DOJ, accusing the agency of doing just that for political reasons, so this is something DOJ wants corrected.

Apart from the consultants pre-existing bias that "the feds aren't doing enough", a big part of the problem appears to have been a misunderstanding over terminology. When our consultants used the term "intimidation", they included all sorts of suppression activities. When Craig Donsanto used the term "intimidation", he was using the definition under federal criminal vote fraud statutes, which requires the action be accompanied by threat of physical or economic harm. (He told me he has had only one such case in 30 years.) His office is actively pursuing voter suppression activities under statutes other than federal voter intimidation laws (e.g.; the recent case in NH where a campaign operative conspired to block election day GOTV telephone lines of the opposing party). A copy of Tanner's comments on the interview summary in the status report for the Standards and Advisory Boards meetings is attached.

I had many long discussions with Tova and Job about this. I was able to get them to soften their description (see 4th bullet on page 7 of the draft report), but not entirely to my satisfaction. Also, at the Working Group meeting, it was agreed that the consultants would add a note to their definition to clarify that the working definition for purposes of the research includes activities that do not meet the federal definition of voter intimidation. The resulting note on page 5 of the draft report is too vague.

DOJ has not seen everything the consultants put in the draft final report, so they may have additional concerns. For example, the consultants' recommendations include the following:

Attend the Department of Justice's Ballot Access and Voting Integrity Symposium. The consultants also believe it would be useful for any further activity in this area to include attendance at the next Ballot Access and Voting Integrity Symposium. According to the Department, DEOs are required to attend annual training conferences centered on combating election fraud and voting rights abuses. These conferences sponsored by the Voting Section of the Civil Rights Division and the Public Integrity Section of the Criminal Division, feature presentations by civil rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys' Offices. According to the Department, DEOs are required to attend annual training conferences centered on combating election fraud and voting rights abuses. These conferences sponsored by the Voting Section of the Civil Rights Division and the Public Integrity Section of the Criminal Division, feature presentations by civil rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys' Offices.

Footnote:

By attending the symposium researchers could learn more about the following: How *DEOs* are trained, e.g. what they are taught to focus their resources on; How they are instructed to respond to various types of complaints; How information about previous elections and voting issues is presented; and, How the Voting Rights Act, the criminal laws governing election fraud and intimidation, the National Voter Registration Act, and the Help America Vote Act are described and explained to participants.

DOJ has stated that this is an internal meeting, involving only DOJ officials, US Attorneys and FBI. EAC researchers cannot be admitted without opening the meeting to other outsiders. DOJ does not want to do this, probably for two reasons: (1) confidential information on current enforcement cases may be discussed; and (2) making enforcement strategies public could give unscrupulous individuals a virtual "how to" manual for circumventing such strategies when committing election crimes.

We may also have a hard time gaining access to the DOE reports and the Voting Section records of complaints, as they probably aren't considered public documents.

--- Peggy

000403



DOJ-TannerComments-TW\InterviewSummary.doc

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV

11/07/2006 09:47 AM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Re: VF and VI study

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11/07/2006 09:45 AM

To Juliet E. Hodgkins/EAC/GOV@EAC

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000404

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Juliet E. Hodgkins/EAC/GOV

11/09/2006 11:41 AM

To Margaret Sims/EAC/GOV@EAC

cc

Subject How are the summaries of the interviews coming?

I am getting close to having a first cut at a report, minus a few key sections. Just wondering how those summaries are coming along.

Juliet Thompson Hodgkins
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1225 New York Ave., NW, Ste 1100
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----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Margaret Sims/EAC/GOV

11/09/2006 12:04 PM

To Juliet E. Hodgkins/EAC/GOV

cc

Subject Re: How are the summaries of the interviews coming? 

Almost finished sorting through the interview summaries. I don't find them as helpful as the literature summaries, but hope to have something to you by the end of the day. (I was at the clinic yesterday, and could only work a half day.) --- Peggy

Juliet E. Hodgkins/EAC/GOV

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11/09/2006 11:41 AM

To Margaret Sims/EAC/GOV@EAC

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000405

— Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM —

Juliet E. Hodgkins/EAC/GOV

11/09/2006 12:08 PM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Re: How are the summaries of the interviews coming? 

Thanks. Currently, on the phone with Job. Ugh!!!!

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
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Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV

11/09/2006 12:04 PM

To Juliet E. Hodgkins/EAC/GOV@EAC

cc

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11/09/2006 11:41 AM

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000406

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Margaret Sims/EAC/GOV

11/12/2006 08:45 PM

To Juliet E. Hodgkins/EAC/GOV

cc

Subject VF-VI Interviews

Sorry this is later than expected. I was missing the notes of one interview and had several computer crashes when I tried to retrieve archived email to determine if I had failed to file it after one of the consultants sent it. I finally gave up looking for it in favor of summarizing what I had.

Attached is a summary of points raised in the interviews. I found it more difficult to extract lessons learned from the interview notes, so I used a summary format. (The interview notes make it appear that the focus of the interviews differed from one person to another, perhaps because consultants were seeking different information from interviewees). I've also attached a list of interviewees with pertinent interview notes. (Some of the interview notes dealt with irregularities other than voting fraud and voter intimidation.) --- Peggy



EAC-Summary of Info from Interviews 11-06.doc EAC-Experts Interviewed Notes 11-06.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Margaret Sims/EAC/GOV

11/13/2006 10:27 AM

To Juliet E. Hodgkins/EAC/GOV

cc

Subject VF-VI Another DOJ Objection

Julie:

I just remembered that there was one other DOJ objection. It was about the way the consultants described the Election Crimes Branch focus on cases. In the interview with Donsanto (the only interview I attended), he made reference to the fact that the Election Crimes Branch used to only go after conspiracies, not individuals. Now, however, they had begun prosecuting individuals for noncitizen and felon voting. The consultants heard an unexpressed "instead", which would mean that DOJ had dropped pursuing conspiracies in favor of going after individuals. Based on my previous experience, I heard and unexpressed "in addition", meaning that DOJ was not just prosecuting conspiracies, the department also had begun to prosecute individuals.

I had lengthy discussions with the consultants over this issue as well. Donsanto confirmed that he meant "in addition", and the lists of cases he provided indicates that the department continues to pursue conspiracies. (It doesn't make sense any other way, unless you believe that the government is out to get the little guy.) --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Juliet E. Hodgkins/EAC/GOV

11/15/2006 09:58 AM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Draft Voter Fraud/Voter Intimidation

000407

Peggy,

I have attached a rough draft of the report that I think that we should propose to the Commissioners. I was hoping that you could give it a read and give me your comments by Friday morning, as I have to deliver a draft to the Commissioners on Friday. I also have a couple of questions. You will notice that I have noted that several items will be attached as appendixes. First question: Should we attach these things? Second question: In cases where you have provided summaries of the summaries, should we attach yours or theirs?



EAC REPORT ON VOTER FRAUD AND VOTER INTIMIDATION STUDY.doc

Juliet Thompson Hodgkins
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United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
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(202) 566-3100

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Thomas R. Wilkey/EAC/GOV

11/15/2006 12:23 PM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Thor Hearn

Do you have contact information for this guy?

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
1225 New York Ave, NW - Suite 1100
Washington, DC 20005
(202) 566-3109 phone
TWilkey@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV

11/15/2006 01:52 PM

To Thomas R. Wilkey/EAC/GOV

cc

Subject Re: Thor Hearn



Mark (Thor) Hearne II
Partner-Member

000403

Lathrop & Gage, LC
The Equitable Building
10 South Broadway, Suite 1300
St. Louis, MO 63102-1708
Phone: [REDACTED]
[REDACTED]
Email: [REDACTED]

Thomas R. Wilkey/EAC/GOV

Thomas R. Wilkey/EAC/GOV
11/15/2006 12:23 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Thor Hearn

Do you have contact information for this guy?

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
1225 New York Ave, NW - Suite 1100
Washington, DC 20005
(202) 566-3109 phone
TWilkey@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV
11/15/2006 04:02 PM

To Juliet E. Hodgkins/EAC/GOV
cc
Subject Re: Draft Voter Fraud/Voter Intimidation 

Got it, and will get back to you by Friday AM. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Juliet E. Hodgkins/EAC/GOV
11/15/2006 04:10 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Draft Voter Fraud/Voter Intimidation 

Thanks.

000409

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV

11/15/2006 04:02 PM

To Juliet E. Hodgkins/EAC/GOV@EAC

cc

Subject Re: Draft Voter Fraud/Voter Intimidation 

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--- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM ---

Margaret Sims/EAC/GOV

11/17/2006 09:28 AM

To Juliet E. Hodgkins/EAC/GOV@EAC

cc

Subject Draft Voter Fraud/Voter Intimidation Report

Julie:

I really like the tone, focus, and organization of the paper. I also liked the way you interspersed the lists of Working Group members, interviewees, and reports reviewed with the text (drawing the reader's attention to the info, cutting down on the # of appendices, and giving the eye a break from regular text). Attached is your document with my comments, questions, and suggested changes. I did not do much to it.

Regarding your questions about the appendices:

I really did not prepare my summaries with an eye toward publication, but the consultants' summaries probably include incendiary info (particularly re DOJ interviews). As for the case law, we have multiple, voluminous charts, but no list. We can create a list from the charts, but that will take time. The Commissioners may want to see the consultants' or my summaries and the case law charts, but do we need to publish them?

Do we need to put short bios for Tova and Job in an appendix? --- Peggy



EAC VF-VI Report- rev 11-17-06.doc

--- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM ---

Juliet E. Hodgkins/EAC/GOV

11/17/2006 09:44 AM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Re: Draft Voter Fraud/Voter Intimidation Report 

000410

Thanks for your comments.

Last night, I took the case charts and assembled into one 200 -page document. So, that is compiled. I have also amended to include Job and Tova's bios as appendix "1". I have established both your summaries and theirs into alternative appendixes and will talk to the commissioners about that. One question that I have is whether we would need to go through and "clean up" their summaries? I have compiled them into a single document (that is one for interviews and one for literature). Other than the DOJ issue, are there any other "problems" that you recall?

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----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV

11/17/2006 02:54 PM

To Juliet E. Hodgkins/EAC/GOV

cc

Subject Re: Draft Voter Fraud/Voter Intimidation Report 

I'll need to refresh my memory. I'll take a look at them one more time and get back to you. Hope you enjoy your time out of the office, and have a happy turkey day. --- Peggy

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV

11/17/2006 09:44 AM

To Margaret Sims/EAC/GOV@EAC

cc

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000411

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Juliet E. Hodgkins/EAC/GOV

11/17/2006 04:05 PM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Re: Draft Voter Fraud/Voter Intimidation Report 

Thanks so much for all of your help. Have a very Happy Thanksgiving.

Sent from my BlackBerry Wireless Handheld

Margaret Sims

----- Original Message -----

From: Margaret Sims

Sent: 11/17/2006 02:54 PM

To: Juliet Hodgkins

Subject: Re: Draft Voter Fraud/Voter Intimidation Report

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Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV

11/17/2006 09:44 AM

To Margaret Sims/EAC/GOV@EAC

cc

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(202) 566-3100

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV

000412

> feature of this initiative, aside from enhancing the
> priority these cases
> will get in the Bureau, is that each of the Bureau's
> 57 Field Divisions will
> have at least one "Election Coordinator Agent" who
> will be the equivalent of
> the District Election Officer AUSAs. We have been
> training these new
> FBI-types: the week before last we had roughly 75 of
> them in Denver in a
> very well received two-day session in election law enforcement at
> which several FEC people spoke. On Wednesday, I head out
> to Portland, Oregon for
> more of the same.

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>

> From: psims@eac.gov [mailto:psims@eac.gov]
> Sent: Monday, April 17, 2006 9:00 AM
> To: Donsanto, Craig
> Subject: Fw: Announcement of FBI Election Crimes
> Initiative

>
>

> Hi, Craig:

>

> Tova noticed an article about an FBI initiative
> against election crimes (see
> attached email). Is this something new, or is it
> more of the same
> initiative that you addressed in your interview? If
> it is new, would you
> have time for a teleconference with Job and Tova to
> answer any questions
> they may have on the initiative?

>

> Peggy Sims
> Election Research Specialist
> U.S. Election Assistance Commission
> 1225 New York Ave, NW - Ste 1100
> Washington, DC 20005
> Phone: 866-747-1471 (toll free) or 202-566-3120
> (direct)
> Fax: 202-566-3127
> email: psims@eac.gov

>

> ----- Forwarded by Margaret Sims/EAC/GOV on
> 04/17/2006 08:56 AM -----

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000413

> Attached is an updated invoice schedule for the FY
> 06 contracts for the
> Voting Fraud/Voter Intimidation project. --- Peggy
>
>

--- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM ---



"Tova Wang"
[REDACTED]
04/17/2006 09:20 AM

To psims@eac.gov, [REDACTED]
cc
Subject RE: Follow up Donsanto and KY Interviews

Any time Friday is fine for me. Thanks

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 17, 2006 8:05 AM
To: [REDACTED]
Subject: Re: Follow up Donsanto and KY Interviews

Tova and Job:

I've passed Tova's request on to Craig.

Also, Sarah Ball Johnson, KY, finally called back to say she would be available Wednesday through Friday this week and next week for the interview. Which day and time is best for you and Job?

--- Peggy

[REDACTED]
04/16/2006 11:39
AM

To
psims@eac.gov
cc
"Tova Wang" [REDACTED]
Subject
donsanto again

000415

Hi Peg,

Happy Easter!

Would it be possible to talk to Mr. Donsanto about this latest initiative, or somehow get more information? Thanks. Tova

<http://www.fbi.gov/page2/april06/electioncrime041406.htm>

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



"Job Serebrov"

04/17/2006 10:17 AM

To psims@eac.gov [redacted]

cc

Subject Re: Follow up Donsanto and KY Interviews

Next week is out for me. I need to check my schedule this week. Is this the last interview that you were able to arrange?

--- psims@eac.gov wrote:

> Tova and Job:
>
> I've passed Tova's request on to Craig.
>
> Also, Sarah Ball Johnson, KY, finally called back
> to say she would be
> available Wednesday through Friday this week and
> next week for the
> interview. Which day and time is best for you and
> Job?

> --- Peggy [redacted]

> [redacted]
> 04/16/2006 11:39 AM [redacted]

> To
> psims@eac.gov
> cc
> "Tova Wang" [redacted]
> Subject
> donsanto again

>
>
>

000416

>
>
>
> Hi Peg,
>
> Happy Easter!
>
> Would it be possible to talk to Mr. Donsanto about
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> or somehow get more information? Thanks. Tova
>
>
> <http://www.fbi.gov/page2/april06/electioncrime041406.htm>
>

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



"Tony J. Sirvello III"
[REDACTED]

04/07/2006 08:52 AM

To psims@eac.gov

cc [REDACTED]

Subject Re: Fw: Nonpartisan Local Election Official Needed for
Voting Fraud/Voter Intimidation Working Group

Good Morning Peg,

That works for me....I will stay off the phone and wait on the call.

Have A Great Weekend,

Tony

----- Original Message -----

From: psims@eac.gov

T [REDACTED]

Sent: Thursday, April 06, 2006 2:27 PM

Subject: Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter
Intimidation Working Group

Tony:

How about scheduling the teleconference with our consultants for 10 AM CST/11 AM EST on
Wednesday, April 12? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----

Margaret Sims/EAC/GOV

04/17/2006 08:59 AM

To Craig Donsanto

cc

Subject Fw: Announcement of FBI Election Crimes Initiative

000417

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email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 08:56 AM -----



[REDACTED]
04/16/2006 11:39 AM

To psims@eac.gov
cc "Tova Wang" [REDACTED]
Subject donsanto again

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<http://www.fbi.gov/page2/april06/electioncrime041406.htm>

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



"Tony J. Sirvello III"
[REDACTED]
04/11/2006 03:40 PM

To psims@eac.gov
cc
Subject Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Good Afternoon Peg,

I will make the call as scheduled. I am still in shock about Ray.

Tony

000418

----- Original Message -----

From: psims@eac.gov

To: Tony Sirvello

Sent: Monday, April 10, 2006 6:04 PM

Subject: Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Tony:

We have set up your telephone interview with our 2 consultants (Job Serebrov and Tova Wang) as a teleconference. Please call [REDACTED] (toll free) at around 10 AM CST on Wed 4/12. At the prompt for the passcode [REDACTED]. Tova and Job will join you on the line. This works best if you use a land line, rather than a cell phone.

If you have trouble connecting, please call Nicole Mortellito at our office ([REDACTED]) Thanks!

Peggy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Tony J. Sirvello III" [REDACTED]

Sent: 04/07/2006 08:52 AM

To: Margaret Sims

Subject: Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Good Morning Peg,

That works for me....I will stay off the phone and wait on the call.

Have A Great Weekend,

Tony

----- Original Message -----

From: psims@eac.gov

To: [REDACTED]

Sent: Thursday, April 06, 2006 2:27 PM

Subject: Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Tony:

How about scheduling the teleconference with our consultants for 10 AM CST/11 AM EST on Wednesday, April 12? --- Peggy

000419

Margaret Sims/EAC/GOV
04/30/2007 08:39 PM

To eaccon@eac.gov
cc
bcc
Subject Vote Fraud Study-Archived Email Part 4

The 4th batch. More to come tomorrow.
Peg Sims

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:22 PM -----

Margaret Sims/EAC/GOV
05/09/2006 11:44 AM

To "Job Serebrov"
[REDACTED]@GSAEXTERNAL
cc
Subject Re: Working Group-Perez [REDACTED]

OK, I get it. The text in the attachment follows:

EXCERPTS FROM TEXAS ELECTION CODE

SUBCHAPTER B. COUNTY ELECTIONS ADMINISTRATOR

§ 31.032. APPOINTMENT OF ADMINISTRATOR; COUNTY ELECTION COMMISSION.

(a) The position of county elections administrator is filled by appointment of the county election commission, which consists of:

- (1) the county judge, as chair;
- (2) the county clerk, as vice chair;
- (3) the county tax assessor-collector, as secretary; and
- (4) the county chair of each political party that made nominations

by primary election for the last general election for state and county officers preceding the date of the meeting at which the appointment is made.

(b) The affirmative vote of a majority of the commission's membership is necessary for the appointment of an administrator.

(c) Each appointment must be evidenced by a written resolution or order signed by the number of commission members necessary to make the appointment. Not later than the third day after the date an administrator is appointed, the officer who presided at the meeting shall file a signed copy of the resolution or order with the county clerk. Not later than the third day after the date the copy is filed, the county clerk shall deliver a certified copy of the resolution or order to the secretary of state.

(d) The initial appointment may be made at any time after the adoption of the order creating the position.

000420

§ 31.035. RESTRICTIONS ON POLITICAL ACTIVITIES.

(a) A county elections administrator may not be a candidate for a public office or an office of a political party, hold a public office, or hold an office of or position in a political party. At the time an administrator becomes a candidate or accepts an office or position in violation of this subsection, the administrator vacates the position of administrator.

(b) A county elections administrator commits an offense if the administrator makes a political contribution or political expenditure, as defined by the law regulating political funds and campaigns, or publicly supports or opposes a candidate for public office or a measure to be voted on at an election. An offense under this subsection is a Class A misdemeanor. On a final conviction, the administrator's employment is terminated, and the person convicted is ineligible for future appointment as county elections administrator.

"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"

05/09/2006 11:38 AM

To psims@eac.gov

cc

Subject Re: Working Group-Perez

The code attachment did not work that is what I meant by it did not come through.

--- psims@eac.gov wrote:

> Did you look at the attached excerpts from Texas
> Code? --- Peggy

>

>

>

>

>

> "Job Serebrov" <serebrov@sbcglobal.net>
> 05/09/2006 11:23 AM

>

> To
> psims@eac.gov
> cc

>

> Subject
> Re: Working Group-Perez

>

>

>

>

000421

>
>
> We have the same set-up here in Arkansas. We hired a
> person just like Perez. However, given this, I would
> still like to know if he has a party affiliation and
> this brings up another issue. How is the county
> election commission chosen. In Arkansas it is the
> Chairmen of the Republican and Democrat Parties or
> if
> he/she does not want to serve a person is elected in
> his/her stead and a third member picked by the party
> with the most constitutional officers. Practically
> that has meant that the Democrats have controlled
> election commissions in Arkansas since the end of
> Reconstruction. This is why I want to know the
> situation in Texas.
>
>
>
> --- psims@eac.gov wrote:
>
> > As you may recall, the Commissioners directed me
> > to
> > find a nonpartisan
> > local election official to serve on the Working
> > Group. The three of us
> > discussed the desirability of having a Hispanic.
> > I
> > proposed that I find
> > someone from Texas because of that State's
> > colorful
> > history of voting
> > fraud and their innovative approaches to combat
> > it.
> > In those Texas
> > counties that hire Election Administrators to run
> > elections, rather than
> > having elected officials do so (Tax Assessor for
> > voter registration;
> > County Clerk for balloting), the Election
> > Administrator is hired by the
> > County Election Commission and is supposed to
> > perform his or her duties in
> > a nonpartisan manner. (See attached excerpts from
> > Texas Election Code
> > regarding election administrator hiring and
> > restrictions on partisan
> > activity.)
> > Any experienced Texas election official will be
> > familiar with voting fraud
> > and voter intimidation schemes used in that State.
>
> > Mr. Perez has over 13
> > years experience as a county Election
> > Administrator
> > in Texas. You won't
> > find many news articles mentioning him because he
> > has kept his nose clean.
> > (The Texas press, as in many other parts of the
> > country, prefers to
> > report bad news.) Mr. Perez is plugged into the

000422

> > association of Texas
> > election officials and the two largest
> organizations
> > of election officials
> > in this country: the International Association of
> Clerks, Recorders,
> > Election Officials and Treasurers (IACREOT); and
> The
> > Election Center. He
> > is a past President and past Chairman of the
> > Legislative Committee for the
> > Texas Association of Election Administrators. He
> > currently serves on
> > IACREOT's Election Officials Committee, which
> plans
> > the educational
> > sessions for election officials that are conducted
> > at that organization's
> > conferences. His peers in IACREOT and The
> Election
> > Center have selected
> > his submissions on web presentations (IACREOT) and
> > his professional
> > practices papers (Election Center) for awards.
> Mr.
> > Perez also has access
> > to information from other States through his
> > membership in IACREOT and The
> > Election Center. He also has a sense of humor,
> > which you will note if you
> > access the staff web page on the Guadalupe County
> > Elections web site and
> > hear the Mission Impossible theme .. something
> that
> > might be useful in the
> > upcoming meeting.
> >
> > Guadalupe County is small but growing. In 2004,
> the
> > county had over 65
> > thousand registered voters (a number more than
> > doubled the number of
> > registered voters in 1988). A third of the
> county's
> > population claims
> > Hispanic or Latino origin, according to the U.S.
> > Census Bureau. The county
> > is in south central Texas and is bordered by
> Comal,
> > Hays, Cladwell,
> > Gonzales, Wilson, and Bexar counties. In the
> 1980s,
> > the county was
> > predominately a farming community; but in recent
> > years, many people have
> > moved from San Antonio (Bexar County) to Guadalupe
> > County, preferring to
> > live in Guadalupe County and work in Bexar County.
> >
> > --- Peggy
> >

000423

> >
> >
> >
> >
> >
> > "Job Serebrov" [REDACTED]
> > 05/08/2006 11:30 PM
> >
> > To
> > psims@eac.gov
> > cc
> >
> > Subject
> > Re: Working Group
> >
> >
> >
> >
> >
> > Peggy:
> >
> > What political party is Perez with? How political
> > is
> > he? Is the position in Texas neutral or political?
> > Who
> > appointed Perez?
> >
> > As to Pat I will contact him but I can't promise
> > anything. If Pat can't come, who is getting
> > knocked
> > off Tova's list?
> >
> > Job
> >
> >
> >
>
>
>
>

— Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:22 PM —



"Job Serebrov"
[REDACTED]

05/11/2006 03:17 PM

To psims@eac.gov

cc

Subject Re: Literature Summary



Fed Crime Election Fraud.doc

000424

--- psims@eac.gov wrote:

> Tova just sent me the summary you prepared of The
> Federal Crime of
> Election Fraud by Craig Donsanto. There is
> something wrong in the fourth
> paragraph (odd characters and missing text). Can
> you please send a
> replacement fourth paragraph? You can send it in
> an email and I will
> place it in the document. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:22 PM -----

Margaret Sims/EAC/GOV

05/12/2006 10:19 AM

To Tova Andrea Wang, Job Serebrov

cc

Subject Fraud Definition

Would you please take a look at the attached? I combined both of your definitions, reformatted the list, removed a reference to the fraud having to have an actual impact on the election results (because fraud can be prosecuted without proving that it actually changed the results of the election), and taken out a couple of vague examples (e.g.; reference to failing to enforce state laws --- because there may be legitimate reasons for not doing so).

I have made contact with Ben Ginsberg's office and am waiting to hear if he accepts our invitation to join the working group. --- Peggy



Fraud Project Definition-rev 5-12-06.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:22 PM -----

Margaret Sims/EAC/GOV

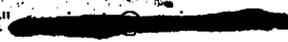
04/27/2006 09:24 AM

To "Weinberg and Utrecht"

cc

Subject Re: Voting Fraud-Voter Intimidation Project 

Thanks! I'll get back to you. --- Peggy

"Weinberg and Utrecht" 



"Weinberg and Utrecht"

04/27/2006 07:56 AM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation Project

000425

Peggy:

You've hit the jackpot! I'm available, with 2 exceptions, every hour of every day from May 15 through May 19. I am not available Thursday morning, May 18, or Friday afternoon, May 19.

Barry

----- Original Message -----

From: psims@eac.gov

To: [Barry Weinberg](#)

Sent: Wednesday, April 26, 2006 8:28 PM

Subject: Re: Voting Fraud-Voter Intimidation Project

Barry:

Are you available any days in the third week of May?

Peggy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Weinberg and Utrecht" [REDACTED]

Sent: 04/04/2006 08:14 AM

To: Margaret Sims

Subject: Re: Voting Fraud-Voter Intimidation Project

Peggy:

May looks pretty good right now. I will not be available May 1, or in the morning (before 12:30) on May 4 or May 11, or in the afternoon on May 10.

Barry

----- Original Message -----

From: psims@eac.gov

To: [REDACTED]

Sent: Monday, April 03, 2006 3:15 PM

Subject: Voting Fraud-Voter Intimidation Project

Hi, Barry:

I'm trying to arrange a meeting of the Working Group for EAC's Voting Fraud-Voter Intimidation project. Would you please look at your schedule and let me know if there are any days during the first 2 weeks of May that you would NOT be available?

Peggy Sims

Election Research Specialist

U.S. Election Assistance Commission

1225 New York Ave, NW - Ste 1100

Washington, DC 20005

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

Fax: 202-566-3127

email: psims@eac.gov

000426

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:22 PM -----

Margaret Sims/EAC/GOV

05/11/2006 04:43 PM

To "Job Serebrov"

cc

Subject Re: new working group representative

Your response suggests that you do not care what the Commissioners may think about the effort. ---

Peggy

"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"

05/11/2006 04:35 PM

To psims@eac.gov

cc

Subject Re: new working group representative

Peggy:

Braden is ok also with me but please don't tell me not to "stir up" things. I assure you nothing will come back to bite me. I know these people well enough to say they will also want a balanced group. In fact, one of them was very unhappy with Tova's folks.

Job

--- psims@eac.gov wrote:

> According to the Commissioners, you and Tova each
> got to pick three
> members of the Working Group. The Commission
> guidance regarding this
> particular member follows:
>
> 4 people from the Academic, Legal and Advocacy
> sectors - 2 to be chosen by
> Tova and 2 to be chosen by Job.
>
> This issue of allowing a designee relates to Tova's
> pick.
>
> As I understand it, we are working on a replacement
> for Norcross. If
> Ginsberg is not viable, how about Mark Braden, who
> includes public
> integrity in his areas of specialization. I would
> not try and stir up
> other members of the Working Group, if I were you.
> The effort is likely
> to come back and bite you.

000427

>
>
>
>
>
> "Job Serebrov" [REDACTED]
> 05/11/2006 03:53 PM
>
> To
> psims@eac.gov
> cc
>
> Subject
> Re: new working group representative
>
>
>
>
> I really don't care if he represents the
> organization
> or not. What mixed race? The entire discussion was
> because Arnwine was African-American. If you are
> going
> to invite him without first having a replacement for
> my side, I may have to call Thor and Todd and
> discuss
> all of this.
>
> --- psims@eac.gov wrote:
>
> > Greenbaum is representing Arnwine, not replacing
> > her. He works for her
> > organization and is of mixed race. --- Peggy
> >
> >
> >
> > "Job Serebrov" [REDACTED]
> > 05/11/2006 03:36 PM
> >
> > To
> > "Tova Wang" [REDACTED], psims@eac.gov
> > cc
> > [REDACTED]
> > Subject
> > Re: new working group representative
> >
> >
> >
> >
> > I have an objection to Greenbaum. While I realize
> > he
> > comes from an advocacy group, he is not a minority
> > attorney and we already have a rep who worked with
> > DOJ. If it is to be Greenbaum, I would rather not
> > fill
> > that position since I am one down.

000428

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:22 PM -----

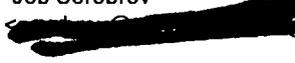
Margaret Sims/EAC/GOV

05/11/2006 03:46 PM

To "Job Serebrov"

cc

Subject Re: Literature Summary 

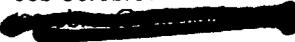
 GSAEXTERNAL

Do you have text to replace the corrupted text in paragraph 4? --- Peggy

"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"


05/11/2006 03:17 PM

To psims@eac.gov

cc

Subject Re: Literature Summary


Fed Crime Election Fraud.doc

--- psims@eac.gov wrote:

> Tova just sent me the summary you prepared of The
> Federal Crime of 
> Election Fraud By Craig Donsanto. There is
> something wrong in the fourth
> paragraph (odd characters and missing text). Can
> you please send a
> replacement fourth paragraph? You can send it in
> an email and I will
> place it in the document. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:22 PM -----

Devon E. Romig/EAC/GOV

05/02/2006 09:45 AM

To wa 

cc Margaret Sims/EAC/GOV@EAC

Subject Voting Fraud/Voter Intimidation Project Working Group

Dear Tova,

I am working with Peggy Sims in order to set a date for the Voting Fraud/Voter Intimidation Project Working Group. I have been trying to reach Barbara Arnwine in order to find out which days in May she is potentially available to attend this meeting but all of my attempts have been unsuccessful.

I would appreciate any help that you could provide in this matter.

000430

Sincerely,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:22 PM -----

Margaret Sims/EAC/GOV

05/09/2006 11:13 AM

To "Job Serebrov"

[REDACTED]@GSAEXTERNAL

cc [REDACTED]

Subject Re: Working Group-Perez 

As you may recall, the Commissioners directed me to find a nonpartisan local election official to serve on the Working Group. The three of us discussed the desirability of having a Hispanic. I proposed that I find someone from Texas because of that State's colorful history of voting fraud and their innovative approaches to combat it. In those Texas counties that hire Election Administrators to run elections, rather than having elected officials do so (Tax Assessor for voter registration; County Clerk for balloting), the Election Administrator is hired by the County Election Commission and is supposed to perform his or her duties in a nonpartisan manner. (See attached excerpts from Texas Election Code regarding election administrator hiring and restrictions on partisan activity.)

Any experienced Texas election official will be familiar with voting fraud and voter intimidation schemes used in that State. Mr. Perez has over 13 years experience as a county Election Administrator in Texas. You won't find many news articles mentioning him because he has kept his nose clean. (The Texas press, as in many other parts of the country, prefers to report bad news.) Mr. Perez is plugged into the association of Texas election officials and the two largest organizations of election officials in this country: the International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT); and The Election Center. He is a past President and past Chairman of the Legislative Committee for the Texas Association of Election Administrators. He currently serves on IACREOT's Election Officials Committee, which plans the educational sessions for election officials that are conducted at that organization's conferences. His peers in IACREOT and The Election Center have selected his submissions on web presentations (IACREOT) and his professional practices papers (Election Center) for awards. Mr. Perez also has access to information from other States through his membership in IACREOT and The Election Center. He also has a sense of humor, which you will note if you access the staff web page on the Guadalupe County Elections web site and hear the Mission Impossible theme .. something that might be useful in the upcoming meeting.

Guadalupe County is small but growing. In 2004, the county had over 65 thousand registered voters (a number more than doubled the number of registered voters in 1988). A third of the county's population claims Hispanic or Latino origin, according to the U.S. Census Bureau. The county is in south central Texas and is bordered by Comal, Hays, Cladwell, Gonzales, Wilson, and Bexar counties. In the 1980s, the county was predominately a farming community; but in recent years, many people have moved from San Antonio (Bexar County) to Guadalupe County, preferring to live in Guadalupe County and work in Bexar County.

--- Peggy



tx elec admin-appt-partisan restrictions.doc

000431

As I have alerted Nicole, the call is not working. Someone ought to get in touch with Kevin -- I do not have his contact information.

-----Original Message-----

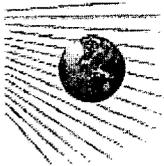
From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 10, 2006 8:45 PM
To: Tova Andrea Wang; Job Serebrov
Subject: Kennedy Interview

It appears that the teleconference with Kevin Kennedy is set for tomorrow, April 11, at 10:30 AM CST/11:30 AM EST. Use the usual phone number [REDACTED] and passcode [REDACTED].

If you have trouble connecting, contact Nicole..
Peg

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



Nicole
Mortellito/CONTRACTOR/EA
C/GOV
04/11/2006 11:45 AM

To "Tova Wang" [REDACTED] GSAEXTERNAL
cc psims@eac.gov, "Job Serebrov" [REDACTED]
Subject RE: Kennedy Interview [REDACTED]

the call is up and running!! you may dial in

Regards,

Nicole K. Mortellito
Research Assistant
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone
202.566.3128 fax

"Tova Wang" [REDACTED]

04/11/2006 11:42 AM

To psims@eac.gov, "Job Serebrov" <serebrov@sbcglobal.net>
cc

000449

"Nicole Mortellito" <nmortellito@eac.gov>
Subject RE: Kennedy Interview

As I have alerted Nicole, the call is not working. Someone ought to get in touch with Kevin -- I do not have his contact information.

-----Original Message-----

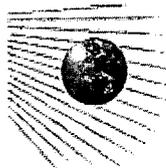
From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 10, 2006 8:45 PM
To: Tova Andrea Wang; Job Serebrov
Subject: Kennedy Interview

It appears that the teleconference with Kevin Kennedy is set for tomorrow, April 11, at 10:30 AM CST/11:30 AM EST. Use the usual phone number (866-888-8888) and passcode [REDACTED].

If you have trouble connecting, contact Nicole..
Peg

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



Nicole
Mortellito/CONTRACTOR/EA
C/GOV

To Margaret Sims/EAC/GOV@EAC
cc

04/10/2006 10:05 AM

Subject Re: Teleconference set up

You are set for the 12th at 11am [REDACTED] pas [REDACTED]

Regards,

Nicole K. Mortellito
Research Assistant
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone
202.566.3128 fax
Margaret Sims/EAC/GOV

000450



Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 12:34 PM
To: Donsanto, Craig
Subject: RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

To: psims@eac.gov
cc
Subject: RE: Your Materials

Thank you, Peg. This stuff is very interesting.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 11:27 AM
To: Donsanto, Craig
Subject: Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

000433

05/16/2006 10:46 AM

Topsims@eac.gov
cc
SubjectYour Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:22 PM -----



"Job Serebrov"

05/15/2006 09:54 AM

To psims@eac.gov

cc

Subject Re: research summary

Peggy:

000434

What about my question on gas receipts?

Job

--- psims@eac.gov wrote:

> I can email this out to our participants after I get
> back to the office, and we can have copies available
> at the meeting.

> Peggy

>

> -----

> Sent from my BlackBerry Wireless Handheld

>

>

> ----- Original Message -----

> From: wang

> Sent: 05/13/2006 10:54 AM

> To: psims@eac.gov

> Cc: "Job Serebrov" <serebrov@sbcglobal.net>

> Subject: Fw: research summary

>

> Job found it. I'm assuming its too late to include

> so as I said I'll just

> present it if thats OK. Thanks again Job. T

> ----- Original Message -----

> From: "Job Serebrov" <[REDACTED]>

> To: <[REDACTED]>

> Sent: Saturday, May 13, 2006 10:12 AM

> Subject: Re: research summary

>

>

> > T~

> >

> > Are you talking about this?

> >

> > J~

> >

> > [REDACTED]

> >

> >> In the middle of the night I got the feeling that

> >> you may be right, that I did do a summary of the

> >> existing literature review (that Job, you

> approved)

> >> . I'll have to look for it on Monday (unless I go

> >> into the office over the weekend, which is

> >> possible). I may be hallucinating, but if not,

> I'll

> >> just present it at the meeting rather than try to

> >> get it to them ahead of time. Tova

>

--- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:22 PM ---



"Tova Wang"

05/22/2006 06:07 PM

To psims@eac.gov

cc

000435



Subject RE: PowerPoint Presentation to EAC Boards

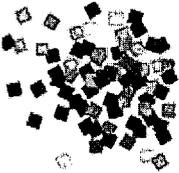
I don't know if its too late, but in the interview summary we actually said There is widespread but not unanimous agreement that there is little polling place fraud. Thats quite different than saying, as you do here, that there is disagreement.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, May 22, 2006 3:56 PM
To: [REDACTED]
Subject: PowerPoint Presentation to EAC Boards

FYI - Attached is a copy of the PowerPoint presentation on the voting fraud-voter intimidation research project for tomorrow's meetings of the EAC Standards Board (110 state and local election officials) and the EAC Advisory Board (37 representatives from national associations and government agencies who play a role in HAVA implementation and from science and technology-related professions appointed by Congressional members). I used your summaries as the primary source of information for the presentation. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:22 PM -----



Devon E. Romig/EAC/GOV

05/25/2006 02:37 PM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Summary for VFVI working group meeting

Peggy,

Here is the summary that you requested. Let me know if this works.

Thanks!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov



VFVI Meeting Summary.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:22 PM -----

Margaret Sims/EAC/GOV

05/16/2006 02:47 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

000436

Subject RE: Your Materials 

I think they are panicking because they are preparing to travel tomorrow and may not have time to submit a revised version. They also are resisting changes to their interview summaries because the summaries represent what they think they heard. I was there at the interview and I heard what you said. I'm not sure that either of them heard everything (including the nuances) because so much of the information was new to them and it was one of their earlier interviews. I'm sorry I did not catch the defects before the summary went out.

My first concern is ensuring that the Working Group has the correct information. Then, we can deal with what version, *if any*, goes in the final report. Do you want me to excerpt the corrections from your email and submit them to the Working Group? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov
>
05/16/2006 01:41 PM

To psims@eac.gov
cc
Subject RE: Your Materials

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 12:34 PM
To: Donsanto, Craig
Subject: RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

To psims@eac.gov
cc
Subject RE: Your Materials

000437

Thank you, Peg. This stuff is very interesting.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 11:27 AM
To: Donsanto, Craig
Subject: Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov
cc
SubjectYour Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an

000438

election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:22 PM -----



05/12/2006 09:48 PM

To psims@eac.gov
cc
Subject Re: Fraud Definition

How about specifying Section 2 and 203 of the VRA?

----- Original Message -----

From: psims@eac.gov

To: [REDACTED]

Sent: Friday, May 12, 2006 1:34 PM

Subject: RE: Fraud Definition

Lets raise this issue at the meeting. (I'll add "DRAFT" to the current document.) My concern is that there are a number of requirements in the Voting Rights Act. Not all of them are considered election fraud, when violated. For example, failure to preclear changes in election procedures is not treated as election fraud, though it is actionable. --- Peggy

"Tova Wang" [REDACTED]

05/12/2006 12:45 PM

To psims@eac.gov [REDACTED]
cc
Subject RE: Fraud Definition

Upon first reading, my only comment would be that I would like to restore "failing to follow the

000439

requirements of the Voting Rights Act"

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Friday, May 12, 2006 9:20 AM

To: [REDACTED]

Subject: Fraud Definition

Would you please take a look at the attached? I combined both of your definitions, reformatted the list, removed a reference to the fraud having to have an actual impact on the election results (because fraud can be prosecuted without proving that it actually changed the results of the election), and taken out a couple of vague examples (e.g.; reference to failing to enforce state laws --- because there may be legitimate reasons for not doing so).

I have made contact with Ben Ginsberg's office and am waiting to hear if he accepts our invitation to join the working group. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:22 PM -----



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov

>

05/16/2006 02:55 PM

To psims@eac.gov

cc

Subject RE: Your Materials

The first item is not as big a deal as the second one: the processes under which subjects of investigations come to Jesus is not as important as the overall assessment of our law enforcement achievements. But stressing the isolated test cases we brought - - and will continue to bring - - to deter things like felon voting, alien voting and double voting, which not mentioning such significant achievements as the five case PROJECTS mentioned in my last e-mail - - misrepresents what we are doing and the deterrent message we are trying to communicate.

I appreciate that these two young people may have found themselves in a Brave New World when they came over here. It showed in their questioning. But the fact that criminal law enforcement is not at all similar to preventative legal relief (as under the Voting Rights Act) or civil relief (as election contest litigation) is I guess more of a problem than I at first foresaw. My real concern is that the civil rights groups - - with whom we over here have an amazing amount of common grounds - - will take the singling out of the felon and alien voter cases as evincing a malevolent aggression on their constituencies. That is not the case. We are only enforcing the law.

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 2:47 PM

To: Donsanto, Craig

Subject: RE: Your Materials

I think they are panicking because they are preparing to travel tomorrow and may not have time to submit a revised version. They also are resisting changes to their interview summaries because the summaries represent what they think they heard. I was there at the interview and I heard what you said. I'm not sure that either of them heard everything (including the nuances) because so much of the information was new to them and it was one of their earlier interviews. I'm sorry I did not catch the defects before the summary

000440

went out.

My first concern is ensuring that the Working Group has the correct information. Then, we can deal with what version, *if any*, goes in the final report. Do you want me to excerpt the corrections from your email and submit them to the Working Group? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 01:41 PM

Topsims@eac.gov
cc
SubjectRE: Your Materials

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 12:34 PM
To: Donsanto, Craig
Subject: RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov
cc
SubjectRE: Your Materials

000441

Thank you, Peg. This stuff is very interesting.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 11:27 AM
To: Donsanto, Craig
Subject: Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov
cc
SubjectYour Materials

000442

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

--- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:21 PM ---

Margaret Sims/EAC/GOV

05/16/2006 02:37 PM

To Elieen L. Collver/EAC/GOV

cc dromig@eac.gov

Subject Re: Tent Cards 

Oops! I hit send prematurely. Here is the attachment. --- Peggy



Working Group Attendees 5-18-06.doc

Elieen L. Collver/EAC/GOV



Elieen L. Collver/EAC/GOV

05/16/2006 01:38 PM

To Margaret Sims/EAC/GOV@EAC

cc dromig@eac.gov

Subject Re: Tent Cards 

Please forward list...there was no attachment. thanks!

Elle L.K Collver

000443

U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, D.C. 20005
office: (202) 566-2256
blackberry: (202) 294-9251
www.eac.gov
Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV

05/16/2006 01:36 PM

To Elieen L. Colver/EAC/GOV@EAC

cc dromig@eac.gov

Subject Tent Cards

Attached is a list of folks who will be attending the Voting Fraud-Voter Intimidation Working Group meeting. I have asterisked the names that will require tent cards. I am working on a seating chart so that we can be sure the Ds and the Rs aren't all seated together in a "them vs. us" pattern. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:21 PM -----



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov
>

05/23/2006 02:49 PM

To psims@eac.gov, "Voris, Natalie (USAEO)"
<Natalie.Voris@usdoj.gov>, "Hillman, Noel"
<Noel.Hillman@usdoj.gov>, "Simmons, Nancy"
<Nancy.Simmons@usdoj.gov>

cc

Subject Request to interview AUSAs

Peg --

At the Advisory Board meeting we had last week, your two contractors asked to interview the over-100 AUSAs who are serving as District Election Officers in connection with the Fraud study.

This request needs to be addressed to Natalie Voris of EOUSA per the message from here that follows.

If the contractors require additional information in connection with the Fraud Study, and should EOUSA not be able to satisfy their needs n they can communicate with me on criminal issues and Cameron Quinn on Civil Rights issues.

I will be here when you arrive later today at the Board of Advisors meeting when you arrive to talk to us at 4:30.

Ms. Voris' message follows:

Per the USAM, all requests for interviews/surveys/research projects that involve USAOs must be approved by EOUSA. I am pasting the provision

000444

below - the contact name needs to be updated. Requests should come to me, as the Acting Counsel to the Director.

Thanks,
Natalie

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:21 PM -----

Margaret Sims/EAC/GOV
05/24/2006 03:17 PM

To "Tova Wang" [REDACTED] INTERNAL
cc Jeannie Layson/EAC/GOV@EAC, bwhitener@eac.gov
Subject Re: press interview [REDACTED]

Thanks for the "heads up". --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"
[REDACTED]
05/24/2006 02:52 PM

To psims@eac.gov
cc
Subject press interview

Hi Peg,

Just wanted to give you the heads up that I did an interview with a reporter from The Hill today on fraud. As far as I know he is simply referring to me as a fellow at TCF and I did not discuss the project in any way

Tova Andrea Wang
Democracy Fellow
The Century Foundation

[REDACTED] 21
phone: [REDACTED]

Visit our Web site, [REDACTED] for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:21 PM -----



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
>

To psims@eac.gov
cc "Hillman, Noel" <Noel.Hillman@usdoj.gov>, "Simmons,

000445



05/16/2006 09:43 AM

Nancy" <Nancy.Simmons@usdoj.gov>, "Campbell, Benton"
<Benton.Campbell@usdoj.gov>
Subject RE: Voting Fraud-Voter Intimidation Working Group

Thank you for this, Peg.

The third bullet point is one I embrace fully. We lack the statutory tool to do the job. Hopefully, that can be remedied through legislation. But as things stand today large loopholes in the federal legal matrix addressing electoral abuse and fraud exist - - particularly when such abuses occur in elections where there were no federal candidates on the ballot.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 8:44 AM
To: Donsanto, Craig
Subject: Re: Voting Fraud-Voter Intimidation Working Group

Here is the content of the email attachment:

Existing Research Analysis

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the "second phase" of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book. Again, this is something that it is hoped will be addressed in the "second phase" of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

000446

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/15/2006 04:53 PM

Topsims@eac.gov

cc

SubjectRe: Voting Fraud-Voter Intimidation Working Group

Peggy --

I am currently on train in transit back from a day in Newark. I tried to recover your attachment on BlackBerry but got a message telling me the "file is empty."

Can you paste it to an e-mail perhaps?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

000447

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: barnwine@ [REDACTED].org < [REDACTED]@ [REDACTED].org>

Rbauer@ [REDACTED] < [REDACTED]@ [REDACTED]>; [REDACTED] < [REDACTED]@ [REDACTED]>

< [REDACTED]@ [REDACTED]>; mhearne@ [REDACTED] < [REDACTED]@ [REDACTED]>

< [REDACTED]@ [REDACTED]>; jrperez5@ [REDACTED] < [REDACTED]@ [REDACTED]>

krogers@ [REDACTED] < [REDACTED]@ [REDACTED]>; assistant@ [REDACTED] < [REDACTED]@ [REDACTED]>

< [REDACTED]@ [REDACTED]>

CC: jgreenbau@ [REDACTED] < [REDACTED]@ [REDACTED]>;

vjohnson@ [REDACTED] < [REDACTED]@ [REDACTED]>

dlovecchio@ [REDACTED] < [REDACTED]@ [REDACTED]>;

bschuler@ [REDACTED] < [REDACTED]@ [REDACTED]>; Donsanto, [REDACTED]

Sent: Mon May 15 16:37:48 2006

Subject: Voting Fraud-Voter Intimidation Working Group

Dear Working Group Members and Participants:

You should receive a packet of information today, either by Federal Express or hand delivery, concerning Thursday's meeting of the project Working Group for EAC's Voting Fraud-Voter Intimidation research project. Attached is an analysis of the consultants' research into relevant literature and reports. This summary was not available when we prepared the information packets last Friday, but may be of interest to you. Our consultants and I look forward to having a productive discussion with you.

Regards,

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:21 PM -----

Margaret Sims/EAC/GOV

05/17/2006 03:03 PM

To Craig Donsanto

cc

Subject Status Report on Voting Fraud-Voter Intimidation Project

Craig:

This is what I was working on for the upcoming meetings of the EAC Board of Advisors and EAC Standards Board. --- Peggy



EAC Boards VF-VI Status Report.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:21 PM -----

000448

Margaret Sims/EAC/GOV

04/09/2006 11:15 PM

To "Nicole Mortellito" <nmortellito@eac.gov>

cc "Edgardo Cortes" <ecortes@eac.gov>

Subject Teleconference set up

Nicole:

Could you please help me set up a teleconference for Wednesday, April 12 at 11 AM EST (for 1 hour)?
Please send me confirmation.

Peg

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



"Weinberg and Utrecht"

[REDACTED]

04/04/2006 08:14 AM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation Project

Peggy:

May looks pretty good right now. I will not be available May 1, or in the morning (before 12:30) on May 4 or May 11, or in the afternoon on May 10.

Barry

----- Original Message -----

From: psims@eac.gov

To: [REDACTED]

Sent: Monday, April 03, 2006 3:15 PM

Subject: Voting Fraud-Voter Intimidation Project

Hi, Barry:

I'm trying to arrange a meeting of the Working Group for EAC's Voting Fraud-Voter Intimidation project. Would you please look at your schedule and let me know if there are any days during the first 2 weeks of May that you would NOT be available?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

000451

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



"Tova Wang"

04/03/2006 03:45 PM

To psims@eac.gov [mailto:psims@eac.gov]

cc

Subject RE: Mentioning DOJ Training Guidance

I didn't have anything specific in mind yet, especially as I have not finished going through the voluminous documentation, but I will let you know

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, April 03, 2006 2:41 PM

To: [redacted]

Subject: Mentioning DOJ Training Guidance

Tova and Job:

Craig Donsanto responds that it is not possible for him to assess the level of public attribution that would be appropriate without seeing the substantive stuff in context. He does not foresee a problem; but recommends that I provide him with the draft text. He will review it to ensure we are not disclosing things we shouldn't disclose.

Therefore, please provide the draft text to me ASAP, so that I can forward it to him for review. I suspect he will provide me with a prompt response, which I will forward to you.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



"Kennedy, Kevin"

04/09/2006 11:13 AM

To "psims@eac.gov" <psims@eac.gov>

cc

Subject RE: Interview

That time is fine. A half hour earlier would be better. I also have a 12 CDT meeting.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Friday, April 07, 2006 12:27 PM

000452

To: Kevin Kennedy
Subject: Interview

Kevin:
I'm just following up on my request for your availability to be interviewed by our consultants for our voting fraud/voter intimidation project. Are you available Tuesday, April 11 at 11 AM CST?
Peggy Sims

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----

Margaret Sims/EAC/GOV
04/03/2006 05:11 PM

To "Job Serebrov"
[REDACTED]@GSAEXTERNAL
cc
Subject Re: Working Group Contact Info [icon]

Thanks, Job! --- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"
[REDACTED]
04/03/2006 04:57 PM

To psims@eac.gov
cc
Subject Re: Working Group Contact Info

Norcross's assistant is Maria Rivers:
Rivers@BlankRome.com

Rokita's assistant is:

Amy Miller
Executive Assistant
Indiana Secretary of State Todd Rokita
317-232-6536
[REDACTED]ssistant@sos.in.gov

--- psims@eac.gov wrote:

> Please review the attached and let me know of any
> corrections that should
> be made. Thanks! --- Peggy
>
>

000453

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



"Job Serebrov"
[REDACTED]

04/03/2006 03:46 PM

To psims@eac.gov, wang@tcf.org

cc

Subject Re: Mentioning DOJ Training Guidance

Lets discuss this in 10 minutes.

--- psims@eac.gov wrote:

- > Tova and Job:
- >
- > Craig Donsanto responds that it is not possible for
- > him to assess the
- > level of public attribution that would be
- > appropriate without seeing the
- > substantive stuff in context. He does not foresee a
- > problem; but
- > recommends that I provide him with the draft text.
- > He will review it to
- > ensure we are not disclosing things we shouldnâ€™t
- > disclose.
- >
- > Therefore, please provide the draft text to me ASAP,
- > so that I can forward
- > it to him for review. I suspect he will provide me
- > with a prompt
- > response, which I will forward to you.
- >
- > Peggy Sims
- > Election Research Specialist
- > U.S. Election Assistance Commission
- > 1225 New York Ave, NW - Ste 1100
- > Washington, DC 20005
- > Phone: 866-747-1471 (toll free) or 202-566-3120
- > (direct)
- > Fax: 202-566-3127
- > email: psims@eac.gov
- >

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



"Tova Wang"
[REDACTED]

04/04/2006 01:30 PM

To psims@eac.gov

cc "Job Serebrov" [REDACTED] "Tova Wang"

Subject working group agenda

000454

Hi Peg,

Attached is a draft of an agenda for the working group. Let us know what you think. Thanks. Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation

Visit our Web site [\[redacted\]](#), for the latest news, analysis, opinions, and events.

[Click here to receive our weekly e-mail updates.](#)



TW proposed agenda.doc

--- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM ---



"Job Serebrov"
[redacted]

04/04/2006 12:35 PM

To psims@eac.gov, "Tova Andrea Wang" [redacted]

cc [redacted]

Subject Re: Project Working Group Meeting

Peggy:

Here is my situation. I am to go to work full time for the Governor at some time in June. I just don't know when and because we are having a special session right now, no one can give me any indications as to the date. The special session will last for at least two weeks. However, I had to arrange a job because the contract ends at the end of May. So---all of this said---if, for instance, I go to work for the Governor the first week of June, I will only be able to work on EAC matters after hours at night.

Job

--- psims@eac.gov wrote:

>
> The Chairman and Vice Chairman are interested in
> attending the meeting. Due
> to schedule conflicts, they are asking us to look at
> the week of May 15.
> Does that pose a problem for either of youpeggy
>
> -----
> Sent from my BlackBerry Wireless Handheld
>
>
>

000455

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



"Tova Wang"
<wang@tcf.org>
04/11/2006 10:24 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]
cc
Subject RE: Kennedy Interview

Sorry, you mean its today. OK, thanks. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 10, 2006 8:45 PM
To: Tova Andrea Wang; Job Serebrov
Subject: Kennedy Interview

It appears that the teleconference with Kevin Kennedy is set for tomorrow, April 11, at 10:30 AM CST/11:30 AM EST. Use the usual phone number [REDACTED].

If you have trouble connecting, contact Nicole..
Peg

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----

Margaret Sims/EAC/GOV
04/05/2006 01:24 PM

To: Kevin Kennedy
cc
Subject Interview Request

Kevin:

Following up on yesterday's conversation, would you be available next Tuesday (4/11) to be interviewed by phone by our consultants on the Voting Fraud-Voter Intimidation research project? The interview is likely to take less than an hour. You pick the time and I'll confirm it with our consultants, Tova Wang and Job Serebrov. Then, I'll send you an email with the toll-free number and pass code that you will need for the teleconference.

EAC is conducting this preliminary research to determine how best to meet HAVA requirements. Section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in the statute are the development of:

000458

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

Please let me know if you have any questions. Thanks.

Peggy Sims
 Election Research Specialist
 U.S. Election Assistance Commission
 1225 New York Ave, NW - Ste 1100
 Washington, DC 20005
 Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
 Fax: 202-566-3127
 email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----

Margaret Sims/EAC/GOV

04/03/2006 04:33 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject Working Group Contact Info

Please review the attached and let me know of any corrections that should be made. Thanks! --- Peggy



Work Group Contact Info.xls

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----

Margaret Sims/EAC/GOV

04/03/2006 03:41 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Voting Fraud-Voter Intimidation Project

Thanks, Craig! --- Peggy

]

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
 <Craig.Donsanto@usdoj.gov>
 >

04/03/2006 03:16 PM

To psims@eac.gov

cc

Subject RE: Voting Fraud-Voter Intimidation Project

Hello Peg!

God willing, I will be here the first two weeks of May:

000457

As for your second question, it is not possible for me to assess the level of public attribution that would be appropriate without seeing the substantive stuff in context. I do not foresee a problem. So, I recommend that you get me a draft text and I will review it to ensure we are not disclosing things we shouldn't disclose.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 03, 2006 3:13 PM
To: Donsanto, Craig
Subject: Re: Voting Fraud-Voter Intimidation Project

Craig:

I have 2 issues for you today.

First, I am trying to schedule a meeting of the project working group for EAC's Voting Fraud-Voter Intimidation research project. As a technical advisor on this project, your attendance is particularly important to me. Would you please look at your schedule and let me know if there are any days during the first 2 weeks of May that you would NOT be available?

Second, is it OK for our consultants to refer in their report to guidance provided in the DOJ training materials? I ask this because I understood that some materials in the materials are considered confidential and we do not want to violate your confidentiality provisions. If there is a compromise position, such as having you review that portion of the consultants' report, then let me know.

Thanks!

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



"Tova Wang"

04/10/2006 11:04 AM

To psims@eac.gov

cc "Job Serebrov"

Subject small question for Donsanto

Could you please also ask him what the training materials are referring to when they discuss "ballot box stuffing?" Does this mean elections workers add extra votes? Thanks so much. Tova

Tova Andrea Wang

000458

Democracy Fellow
The Century Foundation

[REDACTED] 021
[REDACTED]

Visit our Web site [REDACTED] for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----

Margaret Sims/EAC/GOV
04/03/2006 05:01 PM

To "Tova Wang" [REDACTED]@GSAEXTERNAL
cc [REDACTED]
Subject RE: Working Group Contact Info

Craig is on the list because the Commission requested he serve as a technical advisory to the project. Although not a member of the project working group, I do need to check his availability for the meeting.

I tried to tell you on the phone that we still are trying to confirm the El Paso County, TX election official for the working group. (Several attempts have been made to contact the Election Director, but she has been out of town.) If we can't get her, we will try for her deputy (also Hispanic). Once I have a response that one of them is willing to serve, I'll update the contact info table and see if I can't get a bio for you two to review. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"
[REDACTED]
04/03/2006 04:50 PM

To psims@eac.gov, serebrov@sbcglobal.net
cc
Subject RE: Working Group Contact Info

Why is Craig Donsanto on the list? And what happened about the local election official? Thanks. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 03, 2006 3:33 PM
To: [REDACTED]
Subject: Working Group Contact Info

Please review the attached and let me know of any corrections that should be made. Thanks! ---
Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



"Tova Wang"
[REDACTED]

000459



04/11/2006 10:12 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]
cc
Subject RE: Kennedy Interview

That gives us no time between interviews though, right? We've never been able to really limit it to 30 minutes.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 10, 2006 8:45 PM
To: Tova Andrea Wang; Job Serebrov
Subject: Kennedy Interview

It appears that the teleconference with Kevin Kennedy is set for tomorrow, April 11, at 10:30 AM CST/11:30 AM EST. Use the usual phone number [REDACTED].

If you have trouble connecting, contact Nicole..
Peg

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



"Job Serebrov"
[REDACTED]
04/06/2006 09:56 AM

To psims@eac.gov, [REDACTED]
cc
Subject Re: Upcoming Interviews-DOJ Info

Peggy:

The interviews are ok with me.

Tova:

I think I should write the review on the IFES white paper instead of the red book.

Job

--- psims@eac.gov wrote:

> Hi, Job and Tova:
>

000460

> Tony Sirvello (former election director for Harris
> County, TX and current
> Executive Director of the International Association
> of Clerks, Recorders,
> Election Officials and Treasurers) can make himself
> available for an
> interview next Wednesday morning (4/12). He is on
> CST. Is there a time
> that works well for the two of you? How about 10 AM
> CST/11 AM EST? I saw
> Kevin Kennedy at a meeting in our office this past
> Tuesday. We are trying
> to set up an interview with him next Tuesday (4/11).
>
> I asked Donsanto about an updated version of his
> Prosecution of Election
> Offenses. He responded that it is at the printers
> and will not be
> available for a couple of months. In the interim,
> he referred me to the
> white paper he did for IFES, which I have attached.
> He said that the
> white paper includes the same information on the
> prosecution of election
> fraud that will be in the book. --- Peggy
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



[REDACTED]
04/02/2006 06:56 PM

To psims@eac.gov
cc "Job Serebrov" [REDACTED], "Tova Wang"
[REDACTED]
Subject doj training materials

Hi Peg,

I've just made it through the 2004 binder of materials and have two questions. First, I understand that these materials are confidential, but may we refer to guidance provided in them in our report? Otherwise they are of not much use to us. There's not that much in it that would add to what Donsanto and Tanner told us, but there are a few issues raised that I believe might be germane.

Second, there are several sections evidently missing from the 2004 binder and I'm not sure if that's because of what Donsanto sent over or a problem in the photocopying. From what I can see, some of the table of contents is missing and tabs 14, 15, 16, 17, 21, 23 and 26 are all empty. Can you please look into this?

Thanks and I look forward to speaking to you tomorrow. Tova

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----

Margaret Sims/EAC/GOV

000461

04/05/2006 01:32 PM

To "Tony J. Sirvello III" [REDACTED]@GSAEXTERNAL
cc
Subject Re: Fw: Nonpartisan Local Election Official Needed for
Voting Fraud/Voter Intimidation Working Group

Tony:

Which one do you think would be best? J.R. Perez, as Election Administrator, should have knowledge of voting fraud and voter intimidation in both voter registration and voting. I assume that, though Patricia is the voter registration supervisor, she also would have knowledge of voting fraud and voter intimidation in balloting. Would they be available in May for a meeting of the project working group? Who could best stand up to the DNC and RNC counsels?

On a related matter, would you be available for our consultants to interview you by telephone next Wednesday? If so, let me know a convenient time. I'll confirm the time with the two consultants, Job Serebrov and Tova Wang. Then, I'll get back to you with the toll-free line and pass code you will need to use for the teleconference.

Thanks!

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"Tony J. Sirvello III" [REDACTED]



"Tony J. Sirvello III"
[REDACTED]
04/04/2006 02:17 PM

To "Peggy Sims" <psims@eac.gov>
cc
Subject Fw: Nonpartisan Local Election Official Needed for Voting
Fraud/Voter Intimidation Working Group

Good Afternoon Peg,

How about J. R. Perez, Elections Administrator, Guadalupe County or Patricia Benavides, Voting Registration Supervisor, Tarrant County, Texas?

Tony

----- Original Message -----

000462

From: Helen Jamison
To: Tony J. Sirvello III
Sent: Tuesday, April 04, 2006 11:46 AM
Subject: RE: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Dear Tony,
Unfortunately both Javier and myself have to decline in being members of the working group from Texas. It is a bad time of the year where we have so many elections and would not be able to contribute enough time to doing research of any kind. Please keep us in mind for future meetings.
Helen Jamison

-----Original Message-----

From: Tony J. Sirvello III [mailto: [REDACTED]]
Sent: Monday, April 03, 2006 1:19 PM
To: Helen Jamison; Javier Chacon
Subject: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Helen, Javier,

Attached is the information from the EAC requesting your services as a member of the working group from Texas. Please let me know in a couple of days if one of you will be able to participate. If you need more information, call me and I will conference in with Peggy Sims, who can give you more details.

Thanks,

Tony

----- Original Message -----

From: psims@eac.gov
To: [REDACTED]
Sent: Thursday, March 16, 2006 10:29 AM
Subject: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Tony:

Thanks for being willing to help me identify a qualified, nonpartisan local election official to serve on our Project Working Group for the preliminary research being conducted on voting fraud and voter intimidation.

Background

Section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in the statute are the development of:

000463

1. nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
2. methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that EAC make research on these topics a high priority.

Preliminary EAC Research

Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

1. develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
2. perform preliminary research on these topics (including Federal and State administrative and case law review), identify related activities of key government agencies and civic and advocacy organizations, and deliver a summary of this research and all source documentation;
3. convene a meeting of a project working group composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation, provide the results of the preliminary research to the working group, and record the working group's deliberations; and
4. produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future EAC action, if any.

The Project Working Group will probably meet only once during this preliminary research effort (probably in late April) to review the consultants research and provide input. Other members of the Working Group are lawyers from advocacy groups and major political parties, two State election officials, and Barry Weinberg, former Deputy Chief of DOJ's Voting Section, Civil Rights Division. Craig Donsanto, Director of DOJ's Election Crimes Branch will serve as a technical advisor to the group.

I really appreciate any help you can offer in identifying a qualified individual to fill the slot on the Working Group that has been reserved for an experienced, nonpartisan local election official.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"Tony J. Sirvello III" [REDACTED]



"Tony J. Sirvello III" [REDACTED]

04/04/2006 02:17 PM

To "Peggy Sims" <psims@eac.gov>
cc
Subject Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

000464



Good Afternoon Peg,

How about J. R. Perez, Elections Administrator, Guadalupe County or Patricia Benavides, Voting Registration Supervisor, Tarrant County, Texas?

Tony

----- Original Message -----

From: Helen Jamison

To: Tony J. Sirvello III

Sent: Tuesday, April 04, 2006 11:46 AM

Subject: RE: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Dear Tony,

Unfortunately both Javier and myself have to decline in being members of the woking group from Texas. It is a bad time of the year where we have so many elections and would not be able to contribute enough time to doing research of any kind. Please keep us in mind for future meetings.

Helen Jamison

-----Original Message-----

From: Tony J. Sirvello III [REDACTED]

Sent: Monday, April 03, 2006 1:19 PM

To: Helen Jamison; Javier Chacon

Subject: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Helen, Javier,

Attached is the information from the EAC requesting your services as a member of the working group from Texas. Please let me know in a couple of days if one of you will be able to participate. If you need more information, call me and I will conference in with Peggy Sims, who can give you more details.

Thanks,

Tony

----- Original Message -----

From: psims@eac.gov

To: [REDACTED]

Sent: Thursday, March 16, 2006 10:29 AM

000465

Subject: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Tony:

Thanks for being willing to help me identify a qualified, nonpartisan local election official to serve on our Project Working Group for the preliminary research being conducted on voting fraud and voter intimidation.

Background

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2. methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

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3. convene a meeting of a project working group composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation, provide the results of the preliminary research to the working group, and record the working group's deliberations; and
4. produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future EAC action, if any.

The Project Working Group will probably meet only once during this preliminary research effort (probably in late April) to review the consultants research and provide input. Other members of the Working Group are lawyers from advocacy groups and major political parties, two State election officials, and Barry Weinberg, former Deputy Chief of DOJ's Voting Section, Civil Rights Division. Craig Donsanto, Director of DOJ's Election Crimes Branch will serve as a technical advisor to the group.

I really appreciate any help you can offer in identifying a qualified individual to fill the slot on the Working Group that has been reserved for an experienced, nonpartisan local election official.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission

000466

1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----

Margaret Sims/EAC/GOV

04/05/2006 05:45 PM

To "Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL
cc

Subject Re: Voting Fraud-Voter Intimidation Project

OK, thanks. I can access the IFES web site. That will give the consultants something to work with. ---
Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov
>

04/05/2006 05:32 PM

To psims@eac.gov
cc

Subject Re: Voting Fraud-Voter Intimidation Project

The fraud chapter has been published by IFES as part of their Money and Politics Program. It's on their website. I tweaked the text a bit and presented it in Abjua. The rest of it is regretablely not public at present.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed Apr 05 17:26:12 2006
Subject: Re: Voting Fraud-Voter Intimidation Project

Is there any way to get an advance copy? Our consultants will need to review it before you receive your printed versions. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

04/05/2006 04:14 PM

000467

To
psims@eac.gov

cc

Subject
Re: Voting Fraud-Voter Intimidation Project

The 7th edition is done and on its way to the printer. It is my hope to get it
our in a couple months.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed Apr 05 13:05:15 2006
Subject: Voting Fraud-Voter Intimidation Project

Craig:

In reviewing the great materials you gave our consultants, we have not found
an updated draft of your famous Prosecution of Election Offenses. Is that
available for review? If you have a pdf version, I could pass that on to our
consultants (noting any restrictions you may have on use).

Also, we noticed some gaps in the 2004 DOJ training binder. It appears that
we are missing the Chris Herren information from Panel 3 and something titled
"July 21, 2004" from Panel 4. If these were removed because we should not see
them, just let me know.

I also have to check your availability the week of May15. I'm still trying to
find a date that everyone will be available for the working group meeting.

Sorry to bug you. Hope all is going well.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

000468

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----

Margaret Sims/EAC/GOV

04/03/2006 03:15 PM

To Barry Weinberg

cc

Subject Voting Fraud-Voter Intimidation Project

Hi, Barry:

I'm trying to arrange a meeting of the Working Group for EAC's Voting Fraud-Voter Intimidation project. Would you please look at your schedule and let me know if there are any days during the first 2 weeks of May that you would NOT be available?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----

Margaret Sims/EAC/GOV

04/06/2006 03:33 PM

To Edgardo Cortes

cc

Subject Interview for Voting Fraud/Voter Intimidation Project

I've been trying to schedule an interview (by teleconference) among our two consultants, Tova Wang and Job Serebrov. and an election attorney, Colleen McAndrews [REDACTED]. I had to leave your name with her assistant, today, just in case she calls back when I am out of the office.

The EAC consultants are available for interviews next week before 4:30 AM EST on Monday (4/10) and in the afternoon on Wednesday (4/12). Email info on any teleconferences scheduled to Job (serebrov@sbcglobal.net) and Tova (wang@tcf.org). Job operates on CST; Tova on EST.

Thanks! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



[REDACTED]
04/06/2006 05:05 PM

To psims@eac.gov

cc

Subject Re: Upcoming Interviews-DOJ Info

That time is fine for me. Thanks.

----- Original Message -----

000469

From: psims@eac.gov
To: [REDACTED]
Sent: Thursday, April 06, 2006 9:35 AM
Subject: Upcoming Interviews-DOJ Info

Hi, Job and Tova:

Tony Sirvello (former election director for Harris County, TX and current Executive Director of the International Association of Clerks, Recorders, Election Officials and Treasurers) can make himself available for an interview next Wednesday morning (4/12). He is on CST. Is there a time that works well for the two of you? How about 10 AM CST/11 AM EST? I saw Kevin Kennedy at a meeting in our office this past Tuesday. We are trying to set up an interview with him next Tuesday (4/11).

I asked Donsanto about an updated version of his *Prosecution of Election Offenses*. He responded that it is at the printers and will not be available for a couple of months. In the interim, he referred me to the white paper he did for IFES, which I have attached. He said that the white paper includes the same information on the prosecution of election fraud that will be in the book. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM ---



"Kennedy, Kevin"
<Kevin.Kennedy@[REDACTED]>
[REDACTED]
04/10/2006 02:35 PM

To "psims@eac.gov" <psims@eac.gov>
cc
Subject RE: Interview

Thank you.

-----Original Message-----
From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 10, 2006 11:02 AM
To: Kevin Kennedy
Subject: Re: Interview

I am trying to arrange the teleconference for 10:30 AM CST tomorrow, April 11. Will get back to you once confirmed.
Peggy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: "Kennedy, Kevin" [REDACTED]
Sent: 04/09/2006 11:13 AM
To: "'psims@eac.gov'" <psims@eac.gov>
Subject: RE: Interview

That time is fine. A half hour earlier would be better. I also have a 12 CDT

000470

meeting.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Friday, April 07, 2006 12:27 PM
To: Kevin Kennedy
Subject: Interview

Kevin:

I'm just following up on my request for your availability to be interviewed by our consultants for our voting fraud/voter intimidation project. Are you available Tuesday, April 11 at 11 AM CST?
Peggy Sims

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



Nicole
Mortellito/CONTRACTOR/EA
C/GOV
04/11/2006 11:45 AM

To "Tova Wang" [REDACTED]
cc psims@eac.gov
Subject conf call is up and running [icon]

all dial in info is the same!

Regards,

Nicole K. Mortellito
Research Assistant
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone
202.566.3128 fax

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----

Margaret Sims/EAC/GOV
04/03/2006 03:18 PM

To [REDACTED] EXTERNAL
cc [REDACTED]
Subject Re: doj training materials [icon]

Tova:

I'm checking with Craig regarding reference in our report to the DOJ training materials. The 2004 DOJ training materials did not have a table of contents. I think Devon added that to help you find your way

000471

through the materials. I'll have her check her copy and will get back to you.

Talk with you at 4. --- Peggy

wang@tcf.org



[REDACTED]
04/02/2006 06:56 PM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]@eac.gov, "Tova Wang"
[REDACTED]
Subject doj training materials

Hi Peg,

I've just made it through the 2004 binder of materials and have two questions. First, I understand that these materials are confidential, but may we refer to guidance provided in them in our report? Otherwise they are of not much use to us. There's not that much in it that would add to what Donsanto and Tanner told us, but there are a few issues raised that I believe might be germane.

Second, there are several sections evidently missing from the 2004 binder and I'm not sure if that's because of what Donsanto sent over or a problem in the photocopying. From what I can see, some of the table of contents is missing and tabs 14, 15, 16, 17, 21, 23 and 26 are all empty. Can you please look into this?

Thanks and I look forward to speaking to you tomorrow. Tova

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----

Devon E. Romig/EAC/GOV

04/07/2006 11:12 AM

To [REDACTED]
cc Margaret Sims/EAC/GOV@EAC, Edgardo Cortes/EAC/GOV@EAC
Subject Travel voucher

Ms. Wang,

My name is Devon Romig and I am working with Peggy and Edgardo at the EAC. I have completed a travel voucher for you and I need your signature in order to submit the voucher.

If you could please respond with a fax number, I will send you a copy of the voucher.

Let me know if you have any other questions.

Sincerely,

Devon Romig
United States Election Assistance Commission

000472

1225 New York Ave Suite #1100
Washington, D.C. 20005
202.566.3100

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



"Job Serebrov"
[REDACTED]

04/17/2006 11:03 AM

To psims@eac.gov

cc

Subject Re: Invoice Schedule

I just saw what you did. I should be out of hours at the end of May. I believe I will be working for the state in June which will make it difficult to find time to finish and could slow things down but I am not yet sure of that.

--- psims@eac.gov wrote:

> Attached is an updated invoice schedule for the FY
> 06 contracts for the
> Voting Fraud/Voter Intimidation project. --- Peggy
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----

Margaret Sims/EAC/GOV

04/17/2006 11:48 AM

To Tova Andrea Wang

cc

Subject Interviews

I know you preferred Friday, but Job is not available then. He also said he is not available next week. Do you have any time available this Wednesday? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 11:45 AM -----



"Job Serebrov"
[REDACTED]

04/17/2006 11:06 AM

To psims@eac.gov

cc

Subject Re: Follow up Donsanto and KY Interviews

I can't do it Friday but Wednesday is ok.

--- psims@eac.gov wrote:

> Tova and Job:

000473

>
> I've passed Tova's request on to Craig.
>
> Also, Sarah Ball Johnson, KY, finally called back
> to say she would be
> available Wednesday through Friday this week and
> next week for the
> interview. Which day and time is best for you and
> Job?
>
> --- Peggy
>
>
>
> [REDACTED]
> wangt@...
> 04/16/2006 11:39 AM
>
> To
> psims@eac.gov
> cc
> "Tova Wang" [REDACTED]
> Subject
> donsanto again
>
>
>
>
>
> Hi Peg,
>
> Happy Easter!
>
> Would it be possible to talk to Mr. Donsanto about
> this latest initiative,
> or somehow get more information? Thanks. Tova
>
>
> <http://www.fbi.gov/page2/april06/electioncrime041406.htm>
>

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----

Margaret Sims/EAC/GOV

04/17/2006 10:48 AM

To Job Serebrov, Tova Andrea Wang

cc

Subject Invoice Schedule

Attached is an updated invoice schedule for the FY 06 contracts for the Voting Fraud/Voter Intimidation project. --- Peggy



FY06 Contracts Invoice Schedule.xls

000474

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



"Job Serebrov"

04/17/2006 10:45 AM

To psims@eac.gov

cc

Subject Re: Interviews

That's what I am concerned about. I think we need to end all interviews with Sarah Ball Johnson. With the literature reviews I am finishing, the case write up and the Tova's Nexis research that I need to read, I will have about 45 hours left for the Working Group meeting and final write up.

--- psims@eac.gov wrote:

> I have to check with Conny McCormack to see if
> things have settled down
> for her enough so that she would be available. I
> have had no response to
> my overtures to Colleen McAndrews' office. I can
> try again, but I have to
> be out of town again, from Wednesday through Friday
> this week, on another
> research contract and for EAC's public meeting in
> Seattle. Were you able
> to get through to Mike McCarthy?

>
> Please remember to watch your time. We'll need to
> reserve some of your
> time for the working group meeting and the
> subsequent reports. --- Peggy

>
>
>
>
> "Job Serebrov" <[redacted]>
> 04/17/2006 10:17 AM

>
> To
> psims@eac.gov, [redacted]
> cc

>
> Subject
> Re: Follow up Donsanto and KY Interviews

>
>
>
>
>
> Next week is out for me. I need to check my schedule
> this week. Is this the last interview that you were
> able to arrange?

000475

> --- psims@eac.gov wrote:
>
> > Tova and Job:
> >
> > I've passed Tova's request on to Craig.
> >
> > Also, Sarah Ball Johnson, KY, finally called back
> > to say she would be
> > available Wednesday through Friday this week and
> > next week for the
> > interview. Which day and time is best for you and
> > Job?
> >
> > --- Peggy
> >
> >
> >
> > [REDACTED]
> > 04/16/2006 11:39 AM
> >
> > To
> > psims@eac.gov
> > cc
> > "Tova Wang" <[REDACTED]>
> > Subject
> > donsanto again
> >
> >
> >
> >
> >
> >
> >
> >
> > Hi Peg,
> >
> > Happy Easter!
> >
> > Would it be possible to talk to Mr. Donsanto about
> > this latest initiative,
> > or somehow get more information? Thanks. Tova
> >
> >
>
<http://www.fbi.gov/page2/april06/electioncrime041406.htm>
> >
>
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----



"Tova Wang"
[REDACTED]
04/17/2006 10:21 AM

To "Job Serebrov" [REDACTED]@eac.gov
cc

Subject RE: Announcement of FBI Election Crimes Initiative

000476

We could skim it

-----Original Message-----

From: Job Serebrov [mailto: [REDACTED]]
Sent: Monday, April 17, 2006 9:13 AM
To: Tova Wang; psims@eac.gov
Subject: RE: Announcement of FBI Election Crimes Initiative

Tova-Do we have time to review this?

--- Tova Wang [REDACTED] wrote:

> Is it possible to get the materials they are using
> for the trainings?
> Thanks Peg.

>
> -----Original Message-----
> From: psims@eac.gov [mailto:psims@eac.gov]
> Sent: Monday, April 17, 2006 9:08 AM
> To: [REDACTED]
> Subject: Fw: Announcement of FBI Election Crimes
> Initiative

>
>
> See Donsanto response below.--- Peggy

>
> ----- Forwarded by Margaret Sims/EAC/GOV on
> 04/17/2006 10:07 AM -----

>
> "Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

>
> 04/17/2006 09:56 AM

>
> To
> psims@eac.gov

>
> cc

> Subject
> RE: Announcement of FBI Election Crimes Initiative

>
>
>
>
>
>
> Peg - -

>
> This is essentially FBI's equivalent of the
> Department's Ballot Access and
> Integrity Initiative. The news conference on
> Thursday announced that FBI
> was enhancing its prioritization of campaign
> financing offenses. The main

000477

11/26/2006 09:39 PM

To Juliet E. Hodgkins/EAC/GOV
cc
Subject Re: Draft Voter Fraud/Voter Intimidation Report

Julie:

I reviewed our materials and refreshed my memory. The DOJ issues appear to be the only potential pitfalls in the consultants' interview summaries. The only other issue that arose during the course of the work was Secretary Rokita's objection to EAC doing the research. I think you have taken care of that in your paper. --- Peggy

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV

11/17/2006 04:05 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Draft Voter Fraud/Voter Intimidation Report

Thanks so much for all of your help. Have a very Happy Thanksgiving.

Sent from my BlackBerry Wireless Handheld

Margaret Sims

----- Original Message -----

From: Margaret Sims
Sent: 11/17/2006 02:54 PM
To: Juliet Hodgkins
Subject: Re: Draft Voter Fraud/Voter Intimidation Report

I'll need to refresh my memory. I'll take a look at them one more time and get back to you. Hope you enjoy your time out of the office, and have a happy turkey day. --- Peggy

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV

11/17/2006 09:44 AM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Draft Voter Fraud/Voter Intimidation Report

Thanks for your comments.

Last night, I took the case charts and assembled into one 200 -page document. So, that is compiled. I have also amended to include Job and Tova's bios as appendix "1". I have established both your summaries and theirs into alternative appendixes and will talk to the commissioners about that. One question that I have is whether we would need to go through and "clean up" their summaries? I have compiled them into a single document (that is one for interviews and one for literature). Other than the

000478

DOJ issue, are there any other "problems" that you recall?

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Gavin S. Gilmour/EAC/GOV

11/27/2006 10:58 AM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Re: My Thoughts --PRIVILEGED COMMUNICATION 

Peggy,

Just to clarify... you only attended (by teleconference or otherwise) one of the interviews? I thought it was more than that?

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

THIS MESSAGE IS FOR ITS INTENDED RECIPIENT ONLY. IT IS A PRIVILEGED DOCUMENT AND SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV

11/17/2006 02:48 PM

To Gavin S. Gilmour/EAC/GOV@EAC

cc Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC

Subject Re: My Thoughts --PRIVILEGED COMMUNICATION 

Gavin:

This looks good to me. I just have a few questions/clarifications, both involving the second paragraph:

1. First sentence - Do you mean "intra-agency", rather than interagency?
2. Second sentence - If we plan to release an EAC report based on the material provided by the consultants, then can we avoid implying that we are ever going to release a report written by the consultants?

000479

3. Sixth sentence - I was present at only one interview, not all of them; but I did facilitate and help schedule the interviews.

--- Peggy

Gavin S. Gilmour/EAC/GOV

Gavin S. Gilmour/EAC/GOV

11/17/2006 01:39 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie Layson/EAC/GOV, Margaret Sims/EAC/GOV@EAC
cc

Subject My Thoughts --PRIVILEGED COMMUNICATION

Do Not Release



People for the American Way.doc

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

THIS MESSAGE IS FOR ITS INTENDED RECIPIENT ONLY. IT IS A PRIVILEGED DOCUMENT AND SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV

11/27/2006 11:30 AM

To Gavin S. Gilmour/EAC/GOV

cc

Subject Re: My Thoughts --PRIVILEGED COMMUNICATION 

I attended only the interview with Craig Donsanto. --- Peggy

Gavin S. Gilmour/EAC/GOV

Gavin S. Gilmour/EAC/GOV

11/27/2006 10:58 AM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Re: My Thoughts --PRIVILEGED COMMUNICATION 

000480

Peggy,

Just to clarify... you only attended (by teleconference or otherwise) one of the interviews? I thought it was more than that?

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

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Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV
11/17/2006 02:48 PM

To Gavin S. Gilmour/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC
Subject Re: My Thoughts --PRIVILEGED COMMUNICATION 

Gavin:

This looks good to me. I just have a few questions/clarifications, both involving the second paragraph:

1. First sentence - Do you mean "intra-agency", rather than interagency?
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3. Sixth sentence - I was present at only one interview, not all of them; but I did facilitate and help schedule the interviews.

--- Peggy

Gavin S. Gilmour/EAC/GOV

Gavin S. Gilmour/EAC/GOV
11/17/2006 01:39 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie Layson/EAC/GOV, Margaret Sims/EAC/GOV@EAC
cc
Subject My Thoughts --PRIVILEGED COMMUNICATION

Do Not Release

000481



People for the American Way.doc

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

THIS MESSAGE IS FOR ITS INTENDED RECIPIENT ONLY. IT IS A PRIVILEGED DOCUMENT AND SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Juliet E. Hodgkins/EAC/GOV

11/29/2006 05:35 PM

To Paul DeGregorio/EAC/GOV@EAC, "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC
Subject Revised - Draft – Voting Fraud/Voter Intimidation Report

Attached is a revised version of the Voting Fraud/Voter Intimidation Draft Report. The changes that Commissioner Hillman suggested have been made and highlighted in yellow. See pages 10-11.

Peggy and I are working on the revision of the Donsanto and Tanner interview summaries and will forward that to you under a separate email.



Voter Fraud & Intimidation Report - 112906.doc

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Juliet E. Hodgkins/EAC/GOV

11/29/2006 05:35 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Interview Summaries

000482



Appendix 3 - Interview Summaries - consultants.doc

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV

11/30/2006 04:37 PM

To Juliet E. Hodgkins/EAC/GOV@EAC

cc

Subject Donsanto-Tanner Interviews

Julie:

I made some suggested edits in the attached excerpts of the Donsanto and Tanner interview summaries. You may be able to better phrase them. The most important edits are:

- I noticed that the consultants had listed Donsanto's and Tanner's titles incorrectly (which we may also need to correct in our report where we list the interviewees). Donsanto and Tanner might be amused that our consultants "promoted" them, but their bosses may not.
- I redacted two sentences that I thought we should not publicize and one that I thought was in error from the Donsanto description. I also tried to correct the paragraph that discusses DOJ's pursuit of individual offenders.
- I moved the note about Tanner's failure to provide data and information to the end of the description (the highlighted paragraph) so that its isn't so "in your face". I also tried to edit it, but am still a bit concerned about including it at all.

If you have any questions, or want to talk about this, give me a call [REDACTED]. Also, I may be in the office tomorrow, [REDACTED] --- Peggy



Summaries of Interviews with Donsanto-Tanner redacted-revised.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Juliet E. Hodgkins/EAC/GOV

12/01/2006 03:17 PM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Re: Donsanto-Tanner Interviews

I made the correction on the titles in the report. There was one that was not correct.

There are a couple of things I may suggest that we leave in, as I don't think that DOJ would have a problem with it, (e.g. the fact that they won't release information on pending cases).

I will forward to the Cs for their review.

000433

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV

11/30/2006 04:37 PM

To Juliet E. Hodgkins/EAC/GOV@EAC

cc

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Summaries of Interviews with Donsanto-Tanner redacted-revised.doc

--- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM ---

Margaret Sims/EAC/GOV

12/01/2006 03:52 PM

To Juliet E. Hodgkins/EAC/GOV

cc

Subject Re: Donsanto-Tanner Interviews 

Julie:

I assume you mean the note associated with the Tanner interview when you mentioned the pending cases. That's fine by me. I was just a little concerned that the note as a whole was a little adversarial and whiny. If any questions arise as to why certain items should be deleted from the Donsanto interview summary, I have answers. --- Peggy

000484

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV

12/01/2006 03:17 PM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Re: Donsanto-Tanner Interviews 

I made the correction on the titles in the report. There was one that was not correct.

There are a couple of things I may suggest that we leave in, as I don't think that DOJ would have a problem with it, (e.g. the fact that they won't release information on pending cases).

I will forward to the Cs for their review.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV

11/30/2006 04:37 PM

To Juliet E. Hodgkins/EAC/GOV@EAC

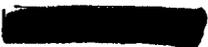
cc

Subject Donsanto-Tanner Interviews

Julie:

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If you have any questions, or want to talk about this, give me a call . Also, I may be in the office tomorrow,  -- Peggy



Summaries of Interviews with Donsanto-Tanner redacted-revised.doc

000485

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV

12/04/2006 06:12 PM

To pmclennon [REDACTED]

cc

Subject Vote Fraud Report

Dear Peter:

I apologize for the delayed response. The paper that the media touted as an EAC statement on vote fraud was actually just a report on the status of preliminary research into voting fraud and voter intimidation conducted by EAC consultants. The document does not represent a consensus statement on the subject by EAC. The status report was presented to the EAC Board of Advisors and the EAC Standards Board last spring. As these meetings were open to the public, the status report is available to the public. (See attached.)

EAC plans to consider a draft of its own report, which is based on the preliminary research of our consultants, at this Thursday's public meeting. (See agenda published at <http://www.eac.gov/docs/Public%20Meeting,%2012-07-06,%20Wash.,%20Revised%20Final%20Agenda.pdf>.) If the report is approved, EAC will publish it on our web page.

Regards,

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov



VF-VI Study Status 5-17-06.pdf

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Bryan Whitener/EAC/GOV

12/06/2006 12:39 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC

cc

Subject Please review ASAP - Fw: Fraud Report Press Release - DRAFT

Then I need to get commishes to okay.

----- Forwarded by Bryan Whitener/EAC/GOV on 12/06/2006 12:36 PM -----



"RoseUtley, Jennifer"

To bwhitener@eac.gov

000486



m>
12/05/2006 06:49 PM

cc jlayson@eac.gov
Subject Fraud Report Press Release - DRAFT

Brian,

Please find attached the draft fraud report press release for review. The other documents will follow in a separate email.

Jennifer

NEW E-MAIL: [REDACTED]

Jennifer Rose-Utley
Manager, Public Affairs
Burson-Marsteller

[REDACTED]

We've Moved!

Please visit us at our new location:

Burson-Marsteller
[REDACTED]
[REDACTED]
Washington, DC 20006



Fraud Press Release - DRAFT v2.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV

12/06/2006 03:46 PM

To bwhitener@eac.gov

cc

Subject VF-VI Research Contacts

Bryan:

The two consultants were:

- Tova Wang ([REDACTED])
- Job Serebrov ([REDACTED])

000487

The contact information for the Project Working Group, including technical advisor, Craig Donsanto, is in the attached spreadsheet.

You should also send notice to John Tanner, Chief, Voting Section, Civil Rights Division, DOJ (john.k.tanner@usdoj.gov). --- Peggy



Work Group Contact-Availability Info.xls

--- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM ---



"Bryan Whitener"
<bwhitener@eac.gov>
12/07/2006 02:45 PM

To psims@eac.gov
cc

Subject EAC Releases Findings of Voting Fraud and Voter Intimidation Study, 12-07-06



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

For Immediate Release

December 7, 2006

Contact:

Jeannie Layson
Bryan Whitener
(202) 566-3100

EAC Releases Findings of Voting Fraud and Voter Intimidation Study

*No consensus on the regularity of voting fraud and voting intimidation found
Agency accepts recommendations to conduct a comprehensive study on elections crimes*

WASHINGTON - The United States Election Assistance Commission (EAC) today voted on the findings of the "Voting Fraud and Voter Intimidation Study" and accepted recommendations to conduct

000488

a comprehensive assessment of all claims, charges and prosecutions of voting crimes.

The study represents the first phase of the information gathering process and includes a working definition of election crimes. EAC will now proceed with the second phase, a more comprehensive data-driven survey and study of elections crimes and voter intimidation. The new phase will offer consistency to the study and will identify a common definition of the issue for dialogue among elections officials, civil rights and voter advocacy groups, law enforcement officials, attorneys and the public.

The recommendations accepted by EAC today include:

Survey Chief Elections Officers to Review and Assess Administrative Complaints: EAC will survey the states' chief election officers regarding complaints that have been filed, investigated and resolved since January 1, 2004.

Survey State Election Crime Investigation Units Regarding Complaints Filed and Referred: EAC will gather information on the numbers and types of complaints that have been received by, investigated, and ultimately referred to local or state law enforcement by election crime investigation units since January 1, 2004.

Survey Law Enforcement and Prosecutorial Agencies Regarding Complaints and Charge of Voting Crimes: EAC will survey law enforcement and prosecutorial agencies at the local, state and federal level to determine the number and types of complaints, charges, or indictments, and pleas or convictions of election crimes since January 1, 2004.

Analyze Survey Data in Light of State Laws and Procedures: EAC will use the reliable data gathered from each survey group to analyze the effectiveness of fraud prevention and reporting measures.

In order to arrive at the findings, EAC consultants reviewed existing studies, articles, reports and case law on voting fraud and intimidation and conducted interviews with experts in the field regarding their experiences and research. According to the findings, while there is currently no consensus on the frequency of voting fraud and voter intimidation, most participants agreed that absentee balloting is subject to the greatest proportion of fraudulent acts, followed by vote buying and voter registration fraud.

Following today's vote to approve the survey recommendations, EAC will begin a comprehensive survey and subsequent study on voting fraud and voter intimidation based on hard data. Section 241 of the Help America Vote Act of 2002 (HAVA) mandates that EAC research and study various issues related to the administration of elections. During Fiscal Year 2006, EAC in consultation with the Standards Board and Board of Advisors selected voting fraud and voter intimidation from a list of potential research topics that serve to improve the administration of elections for federal office.

For the EAC's full report on the Voting Fraud and Voter Intimidation Study or to view testimony from today's hearing, visit www.eac.gov.

000488

EAC is an independent bipartisan commission created by HAVA. It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The three EAC commissioners are Paul DeGregorio, chairman; Donetta Davidson and Gracia Hillman. One vacancy currently exists.

###

—— Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM ——

Jeannie Layson/EAC/GOV

12/13/2006 10:14 AM

To pdegregorio@eac.gov, ghillman@eac.gov,
ddavidson@eac.gov

cc twilkey@eac.gov, psims@eac.gov, jthompson@eac.gov,
ggilmour@eac.gov, bwhitener@eac.gov

Subject Rick Hasen response-need your approval

Commissioners,

I want to respond to Rick Hasen's post regarding EAC and the fraud report. My suggested response is below, and his original post follows. Please let me know if you agree that I should attempt to correct the misinformation he posted. If so, please let me know if you approve of my suggested response. Thank you.

Mr. Hason,

I write to point out incorrect information you posted on your website on December 11, 2006. You wrote: "Note what's missing compared to the earlier version leaked to the USA Today Newspaper." No one at the EAC leaked anything to USA Today. The reporter asked for a copy of the staff report about the fraud reserach that was presented at a public meeting in May to our Board of Advisors and the Standards Board, and the EAC provided it to him. This information was presented and discussed at a meeting that was open to the public, so we provided materials distributed at the meeting to anyone who requested it. The staff report about the fraud project was also distributed to every member of both advisory boards. Go [here](#) to view the Federal Register notice about the public meeting at which this project and many others were discussed.

The statement you attribute to one of the consultants is absolutely correct. As stated by their contract, these consultants were hired so that the EAC could "...obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation."

As for your reference to what's "missing compared to the earlier version," the report contains the complete summaries of every interview conducted by the consultants as well as every book, article, report or case that was reviewed. It does not contain the synopsis of those interviews, which were written by the consultants. EAC provided the individual summaries so readers could reach their own conclusions about the substance of the interviews.

000490

EAC's interpretation of HAVA and its determination of what it will study and how it will use its resources to study it are matters of agency policy and decision. These are not, nor should they be, determinations or decisions made by consultants. The EAC has the ultimate responsibility for the reports it issues, and it is incumbent upon the agency to conduct due diligence to ensure reports, data or any other information is complete and accurate before it is adopted by the Commission.

As someone with a public platform who informs the public about matters regarding election administration, I would appreciate it if you would extend the same professional courtesy most journalists do and contact the agency in the future if you have questions or concerns about EAC policy or actions. You may reach me directly at 202-566-3103. I appreciate your consideration in this matter.

Sincerely,
Jeannie Layson
Director of Communications
US Election Assistance Commission

More on FL-13, and a Role for the EAC?

When I saw this headline on the *Sarasota Herald Tribune* web page, I thought it must have been about the FL-13 race.

Over on the election law listserv, Doug Johnson, responding to my commentary calling for the House to investigate the problems and declare a revote in the FL-13 race, suggested that perhaps the EAC is better situated to conduct an investigation than the House of the problems in the FL-13.

I'm afraid we might not be able to count on the EAC to conduct an investigation that is well-funded, tough, and fair. Politics appears to be creeping in to decisions of the EAC's advisory board, and there's real concern about the EAC's vote fraud report. Note what's missing compared to the earlier version leaked to the USA Today newspaper. Tova Wang, who authored the draft report for the EAC, issued the following statement to me: "My co-consultant and I provided the EAC with a tremendous amount of research and analysis for this project. The EAC released what is their report yesterday."

The EAC has also lost two commissioners, one Republican and one Democrat, who appeared to be tough-minded and fair. I am very worried about the fairness and non-partisanship of the new rumored nominees.

In short, the EAC has to prove it is up to the task of fair and serious inquiry before it could be trusted with something like an investigation of the FL-13.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100

www.eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

000491



Gracia Hillman/EAC/GOV

12/13/2006 10:50 AM

To Jeannie Layson/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC, Bryan Whitener/EAC/GOV@EAC

Subject Re: Rick Hasen response-need your approval

I agree that Jeannie should send the response.

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----



Gracia Hillman/EAC/GOV

12/14/2006 12:07 PM

To "Paul DeGregorio" <pdegregorio@eac.gov>, "Donetta Davidson" <davidson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, "Jeannie Layson" <jlayson@eac.gov>, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>

cc "Sheila Banks" <sbanks@eac.gov>

Subject People For

I know that People For the American Way delivered petitions to EAC about release of the Fraud report but I need to know what other communications EAC has had with People For about the study.

Was it represented on the study's working group? If so, by whom? Did they write to us and did we answer? Did anybody from there talk with anybody at EAC about the study and our work? Thanks.

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV

12/14/2006 12:40 PM

To Gracia Hillman/EAC/GOV@EAC

cc "Donetta Davidson" <davidson@eac.gov>, "Jeannie Layson" <jlayson@eac.gov>, Juliet E. Thompson/EAC/GOV@EAC, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>, "Paul DeGregorio" <pdegregorio@eac.gov>, "Sheila Banks" <sbanks@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC

Subject Re: People For

Commissioner Hillman:

PFAW was not represented on the Working Group for the Voting Fraud-Voter Intimidation research project. Also, I have had no communications with the organization about the study. I did work with

000492

Jeannie and Gavin on a response to PFAW's FOIA request for the study. Jeannie should have the final copy of that reply.

Peggy Sims
Election Research Specialist

Gracia Hillman/EAC/GOV



Gracia Hillman/EAC/GOV
12/14/2006 12:07 PM
Dear Commissioner Hillman:

To "Paul DeGregorio" <pdegregorio@eac.gov>, "Donetta Davidson" <Ddavidson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, "Jeannie Layson" <jlayson@eac.gov>, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>
cc "Sheila Banks" <sbanks@eac.gov>

Subject People For

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Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV
12/14/2006 12:55 PM

To Juliet E. Hodgkins/EAC/GOV, Jeannie Layson/EAC/GOV
cc

Subject PFAW Response to EAC Vote Fraud Report

Are there any plans to rebut the PFAW response? If so, may I help? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Jeannie Layson/EAC/GOV
12/14/2006 01:08 PM

To Margaret Sims/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC

Subject Re: PFAW Response to EAC Vote Fraud Report

I didn't get any comments from you regarding yesterday's response to Rick Hasen. Any thoughts on that?

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW

000493

Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV
12/14/2006 12:55 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC
cc
Subject PFAW Response to EAC Vote Fraud Report

Are there any plans to rebut the PFAW response? If so, may I help? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV
12/14/2006 01:19 PM

To Jeannie Layson/EAC/GOV@EAC
cc
Subject Re: PFAW Response to EAC Vote Fraud Report 

Sorry. I saw a message addressed to the Commissioners. I did not realize the fact that I was cc'd meant that you wanted my comments as well. Will do better next time. In the case of PFAW, I think we may need to address other points, as well. I can put some comments in bullet form, and you can take them or leave them. --- Peggy

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
12/14/2006 01:08 PM

To Margaret Sims/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC
Subject Re: PFAW Response to EAC Vote Fraud Report 

I didn't get any comments from you regarding yesterday's response to Rick Hasen. Any thoughts on that?

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV

000494

12/14/2006 12:55 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC
cc
Subject PFAW Response to EAC Vote Fraud Report

Are there any plans to rebut the PFAW response? If so, may I help? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Karen Lynn-Dyson/EAC/GOV

12/14/2006 01:36 PM

To Margaret Sims/EAC/GOV@EAC
cc "Donetta Davidson" <Ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC, "Jeannie Layson" <jlayson@eac.gov>, Juliet E. Thompson/EAC/GOV@EAC, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>, "Paul DeGregorio" <pdegregorio@eac.gov>, "Sheila Banks" <sbanks@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: People For

Peg, et.al-

I did not have any interaction with this group.

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV

12/14/2006 12:40 PM

To Gracia Hillman/EAC/GOV@EAC
cc "Donetta Davidson" <Ddavidson@eac.gov>, "Jeannie Layson" <jlayson@eac.gov>, Juliet E. Thompson/EAC/GOV@EAC, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>, "Paul DeGregorio" <pdegregorio@eac.gov>, "Sheila Banks" <sbanks@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: People For

Commissioner Hillman:

000495

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Peggy Sims
Election Research Specialist

Gracia
Hillman/EAC/GOV

12/14/2006 12:07
PMDear Commissioner
Hillman:

To "Paul DeGregorio" <pdegregorio@eac.gov>, "Donetta Davidson" <davidson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, "Jeannie Layson" <jlayson@eac.gov>, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>

cc "Sheila Banks" <sbanks@eac.gov>
Subject People For

I know that People For the American Way delivered petitions to EAC about release of the Fraud report but I need to know what other communications EAC has had with People For about the study.

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Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----



Gracia Hillman/EAC/GOV

12/18/2006 12:44 PM

To pdegregorio@eac.gov, Ddavidson@eac.gov, Margaret Sims/EAC/GOV@EAC

cc

Subject Suggested Timeline for Election Crimes Study

Attached is the suggested timeline that I offered for the Election Crimes Study.

It is an excel spreadsheet, which, if printed, should be done with Landscape layout. If printed on 8 1/2 x 11 paper, it will print as two pages.



Election Crimes, Proj 2007 Timeline.xls

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

000498

Thomas R. Wilkey/EAC/GOV
01/23/2007 02:35 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Fraud report

Was the report that was drafted after the working group meeting or the interviews done with eac participant reviewed after the draft was completed.
Need this right away

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Karen Lynn-Dyson/EAC/GOV
01/26/2007 11:49 AM

To Elieen L. Kuala/EAC/GOV@EAC
cc Margaret Sims/EAC/GOV@EAC
Subject Re: 

Peg-

Could you get Elle and answer on this, if she hasn't already gotten one?

Thanks

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Elieen L. Kuala/EAC/GOV



Elieen L. Kuala/EAC/GOV
01/23/2007 02:14 PM

To "Karen Lynn-Dyson" <klynndyson@eac.gov>
cc
Subject

Hey Karen,

Did Barbara Arnwine ever attend ANY of the voter fraud working group meetings?

Thanks,

000497

Elle
Elle Collver
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, D.C. 20005
(202) 566-2256
www.eac.gov

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----



Elieen L. Kuala/EAC/GOV

01/26/2007 11:54 AM

To klyndyson@eac.gov@EAC

cc Margaret Sims/EAC/GOV@EAC

Subject Re:

I already got one, thanks!

Elle L.K. Kuala
Special Assistant to the Chair
U.S. Election Assistance Commission
office: (202) 566-2256
blackberry: (202) 294-9251

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

01/26/2007 11:49 AM

To Elieen L. Kuala/EAC/GOV@EAC

cc Margaret Sims/EAC/GOV@EAC

Subject Re:

Peg-

Could you get Elle and answer on this, if she hasn't already gotten one?

Thanks

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

000498

Elieen L. Kuala/EAC/GOV



Elieen L. Kuala/EAC/GOV
01/23/2007 02:14 PM

To "Karen Lynn-Dyson" <klynndyson@eac.gov>
cc
Subject

Hey Karen,

Did Barbara Arnwine ever attend ANY of the voter fraud working group meetings?

Thanks,
Elle
Elle Collver
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, D.C. 20005
(202) 566-2256
www.eac.gov

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Juliet E. Hodgkins/EAC/GOV
02/09/2007 05:45 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Fw: 1099

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 02/09/2007 05:44 PM -----



"Job Serebrov"
[REDACTED]
02/09/2007 05:33 PM

To "Julie Thompson-Hodgkins" <jhodgkins@eac.gov>
cc
Subject 1099

000499

Margaret Sims/EAC/GOV
04/23/2007 02:58 PM

To Curtis Crider/EAC/GOV@EAC
cc
bcc
Subject Re: documentation for evaluation 

Curtis:

I believe that the only items I have in hard copy, and not in electronic format, are my working copies of the contracts (official copies would be in the agency contract files), the monthly pay invoices and travel reimbursement requests submitted by the consultants, and some DOJ training documentation that was given to us on condition that we keep it confidential.

Other than emails, the documentation that is in electronic form is housed in EAC's shared drawer at T:\RESEARCH IN PROGRESS\VOTING FRAUD-VOTER INTIMIDATION. Do you have read access to that?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

Curtis Crider/EAC/GOV

Curtis Crider/EAC/GOV
04/23/2007 02:27 PM

To EAC Personnel
cc
Subject documentation for evaluation

All:

The Office of Inspector General has initiated an evaluation of the contracting process used by the EAC for the voter fraud and voter intimidation projects. In order for us to complete our evaluation, we need copies of all e-mails or other documents that you have regarding either project. Electronic documents can be sent to an e-mail account that we have set up- eaccon@eac.gov. If you have any hard copy documents, please let me know.

If you do not have any documents or e-mails, please send me an e-mail to that effect.

Thank you,

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

Important: This electronic transmission is intended for the use of the individual or entity to which it is

000500