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:

- 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 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>

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

05/15/2006 04:53 PM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation Working Group

Peggy --

I am currently on train in trasit 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

-----Original Message-----
From: psims@eac.gov <psims@eac.gov>
To: barnwine@lawyerscommittee.org <barnwine@lawyerscommittee.org>; Rbauer@perkinscoie.com <Rbauer@perkinscoie.com>; bginsberg@pattonboggs.com <bginsberg@pattonboggs.com>; mhearne@lathropgage.com <mhearne@lathropgage.com>; jrperez50@sbcglobal.net <jrperez50@sbcglobal.net>; krogers@sos.state.ga.us <krogers@sos.state.ga.us>; assistant@sos.in.gov <assistant@sos.in.gov>; weinutr@verizon.net <weinutr@verizon.net>
CC: jgreenbaum@lawyerscommittee.org <jgreenbaum@lawyerscommittee.org>; vjohnson@lawyerscommittee.org <vjohnson@lawyerscommittee.org>; dlovecchio@perkinscoie.com <dlovecchio@perkinscoie.com>; bschuler@lathropgage.com <bschuler@lathropgage.com>; Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
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 04:19 PM -----

Margaret Sims/EAC/GOV
05/19/2006 02:51 PM

To Craig Donsanto
cc
Subject Voting Fraud-Voter Intimidation Project-Nexis Word Search

Craig;

You asked about the Nexis search terms used by our consultants. The list follows. --- Peggy.

Election and fraud
Voter and fraud
Vote and fraud
Voter and challenge
Vote and challenge
Election and challenge
Election and irregularity
Election and irregularities
Election and violation
Election and stealing
Ballot box and tampering
Ballot box and theft
Ballot box and stealing
Election and officers
Election and Sheriff
Miscount and votes
Election and crime
Election and criminal
Vote and crime
Vote and criminal
Double voting
Multiple voting
Dead and voting
Election and counting and violation

Election and counting and error
Vote and counting and violation
Vote and counting and error
Voter and intimidation
Voter and intimidating
Vote and intimidation
Denial and voter and registration
Voter identification
Vote and identification
Voter and racial profiling
Vote and racial profiling
Voter and racial
Vote and racial
Voter and racial and challenge
Vote and racial and challenge
Voter and deny and racial
Vote and deny and racial
Voter and deny and challenge
Vote and deny and challenge
Voter and deny and black
Vote and deny and black
Voter and black and challenge
Vote and black and challenge
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Voter and African American and challenge
Vote and African American and challenge
Election and black and challenge
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Voter and deny and Hispanic
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Voter and Hispanic and challenge
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Election and Hispanic and challenge
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Voter and Asian American and challenge
Vote and Asian American and challenge
Voter and Asian American and challenge
Election and Asian American and challenge
Voter and deny and Indian
Vote and deny and Indian
Voter and Indian and challenge
Vote and Indian and challenge
Election and Indian and challenge
Poll tax
Voting and test
Absentee ballot and deny
Absentee ballot and reject
Absentee ballot and challenge
Vote and challenge
Voter and challenge
Election and challenge
Vote and police
Voter and police
Poll and police
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Voter and law enforcement
Poll and law enforcement
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Election and consent decree
Vote and barrier
Voting and barrier

Voter and barrier
Election and long line
Voter and long line

Poll worker and challenge
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Poll worker and threatening
Poll worker and abusive
Election official and challenge
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Poll watcher and intimidate
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Election observer and intimidation
Election observer and abusive
Election observer and threatening

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:19 PM -----

Margaret Sims/EAC/GOV
05/16/2006 03:37 PM

To "Donsanto, Craig" <Craig.Donsanto@usdoj.gov>@GSAEXTERNAL
cc
Subject RE: Your Materials

OK. --- Peg

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

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov >
05/16/2006 03:17 PM

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

Let me try to do it, Peg. Again what I do not want to see occur is for the LCCR to start attacking us. We have more in common with them than I had originally assumed, thanks to the write-ups of their interviews. We need to promote what we have in common not try to score political points. But I will try to correct the records as long as you will agree you heard what I said the way I know I said it!

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 3:14 PM
To: Donsanto, Craig
Subject: RE: Your Materials

I fully understand. Do you want me to prepare a correction sheet for the Working Group, placing your second and more important point first, or do you want to handle this verbally at the meeting? --- Peggy

"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 being - - 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 peop0le 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 concerns 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 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

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

SubjectRE: 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>

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 re3ceive 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 04:19 PM -----

Margaret Sims/EAC/GOV
05/15/2006 03:51 PM

To Paul DeGregorio, Ray Martinez, Donetta Davidson, Gracia Hillman
cc twilkey@eac.gov, jthompson@eac.gov, Gavin S. Gilmour/EAC/GOV@EAC, ecortes@eac.gov, Amie J. Sherrill/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Elieen L. Collver/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC
Subject Voting Fraud-Voter Intimidation Project Briefing

Dear Commissioners:

Attached is our consultants' analysis of the literature reviewed for the Voting Fraud-Voter Intimidation preliminary research project. It was not included in the information packets delivered to you on Friday, May 12, because we did not receive it until today. I thought you might be interested in having it. prior to tomorrow's briefing.

Peggy Sims
Election Research Specialist

Literature-Report Review Summary.doc

---- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:19 PM ----

"Tova Wang"
[redacted]
05/16/2006 11:03 AM

To psims@eac.gov,[redacted]
cc
Subject RE: Your Materials

I think he can just raise these points at the meeting, no? I'm sure many we interviewed would say we misquoted them on something. This is what both Job and I remember him saying. I think it would be unfair for him to change/amend his interview without giving the same opportunity to the other interviewees.

-----Original Message-----
From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 9:59 AM
To:[redacted]
Subject: Fw: Your Materials

See corrections from Donsanto at DOJ. We should probably provide corrected versions to the Working Group. --- Peggy

---- Forwarded by Margaret Sims/EAC/GOV on 05/16/2006 10:58 AM ----

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

05/16/2006 10:46 AM

To psims@eac.gov
cc
Subject Your 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 re3ceive 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 04:19 PM -----

"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov
>
05/19/2006 03:17 PM

To psims@eac.gov
cc "Simmons, Nancy" <Nancy.Simmons@usdoj.gov>
Subject Re: Voting Fraud-Voter Intimidation Project-Nexis Word Search

Peggy --

I was just thinking of you!

Great session yesterday. I really enjoyed it. Robust discussion.

On another subject, Nancy Simmons needs the e-mail address of NASED. Can you give her both that and the website address for them? Her e-mail is nancy.simmons@usdoj.gov.

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: Fri May 19 14:51:21 2006
Subject: Voting Fraud-Voter Intimidation Project-Nexis Word Search

Craig;

You asked about the Nexis search terms used by our consultants. The list follows. --- Peggy.

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Vote and fraud

Voter and challenge
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Election and irregularity
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Voter and racial profiling
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Voter and racial
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Voter and deny and challenge
Vote and deny and challenge
Voter and deny and black
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Election and Asian American and challenge
Voter and deny and Indian
Vote and deny and Indian
Voter and Indian and challenge
Vote and Indian and challenge
Election and Indian and challenge
Poll tax
Voting and test
Absentee ballot and deny
Absentee ballot and reject
Absentee ballot and challenge
Vote and challenge
Voter and challenge
Election and challenge
Vote and police
Voter and police
Poll and police
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Vote and deceptive practices
Voter and deceptive practices
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Vote and felon
Vote and ex-felon
Disenfranchisement
Disenfranchise
Law and election and manipulation
Vote and purging
Vote and purge
Registration and removal
Registration and purging
Registration and purge
Vote buying
Vote and noncitizen
Voter and noncitizen
Vote and selective enforcement
Identification and selective
Election and misinformation
Registration and restrictions
Election and administrator and fraud
Election and official and fraud
Provisional ballot and deny
Provisional ballot and denial
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Affidavit ballot and denial
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Absentee ballot and coercion
Registration and destruction

Voter and deter
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Election observer and intimidation
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Election observer and threatening

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:19 PM -----

"Tova Wang"
[redacted]
05/15/2006 05:05 PM

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

Sounds good. Thanks.

-----Original Message-----
From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, May 15, 2006 4:03 PM
To: w[redacted]
Subject: Re: Fraud Definition
Election and stealing
Ballot box and tampering
Ballot box and theft
Ballot box and stealing
Election and officers
Election and Sheriff
Miscount and votes

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Election and administrator and fraud
Election and official and fraud
Provisional ballot and deny
Provisional ballot and denial
Affidavit ballot and deny
Affidavit ballot and denial
Absentee ballot and coerce
Absentee ballot and coercion
Registration and destruction
Voter and deter
Vote and deterrence
Voter and deterrence
Ballot integrity
Ballot security
Ballot security and minority
Ballot security and black
Ballot security and African American
Ballot security and Latino
Ballot security and Hispanic
Ballot security and Native American
Ballot security and Indian
Vote and suppression
Minority and vote and suppression
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Latino and vote and suppression
Hispanic and vote and suppression
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Vote and suppress
Minority and vote and suppress
African American and vote and suppress
Latino and vote and suppress
Native American and vote and suppress
Vote and depress
Jim Crow

Literacy test
Voter and harass
Voter and harassment
Vote and mail and fraud
Poll and guards
Election and consent decree
Vote and barrier
Voting and barrier
Voter and barrier
Election and long line
Voter and long line

Poll worker and challenge
Poll worker and intimidate
Poll worker and intimidation
Poll worker and intimidating
Poll worker and threatening
Poll worker and abusive
Election official and challenge
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Election monitor and threatening
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Election observer and intimidate
Election observer and intimidating
Election observer and intimidation
Election observer and abusive
Election observer and threatening

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:19 PM -----

Margaret Sims/EAC/GOV
05/16/2006 03:37 PM

To "Donsanto, Craig" <Craig.Donsanto@usdoj.gov>@GSAEXTERNAL
cc
Subject RE: Your Materials

OK. --- Peg

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

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>
05/16/2006 03:17 PM

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

Let me try to do it, Peg. Again what I do not want to see occur is for the LCCR to start attacking us. We have more in common with them than I had originally assumed, thanks to the write-ups of their interviews. We need to promote what we have in common not try to score political points. But I will try to correct the records as long as you will agree you heard what I said the way I know I said it!

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 3:14 PM
To: Donsanto, Craig
Subject: RE: Your Materials

I fully understand. Do you want me to prepare a correction sheet for the Working Group, placing your second and more important point first, or do you want to handle this verbally at the meeting? --- Peggy

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

05/16/2006 02:55 PM

Topsims@eac.gov
cc
SubjectRE: 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 being - - 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 peop0le 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 concerns 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 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

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

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 re3ceive 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 04:19 PM -----

Margaret Sims/EAC/GOV
05/15/2006 03:51 PM

To Paul DeGregorio, Ray Martinez, Donetta Davidson, Gracia Hillman

cc twilkey@eac.gov, jthompson@eac.gov, Gavin S. Gilmour/EAC/GOV@EAC, ecortes@eac.gov, Amie J. Sherrill/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Elieen L. Collver/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC
Subject Voting Fraud-Voter Intimidation Project Briefing

Dear Commissioners:

Attached is our consultants' analysis of the literature reviewed for the Voting Fraud-Voter Intimidation preliminary research project. It was not included in the information packets delivered to you on Friday, May 12, because we did not receive it until today. I thought you might be interested in having it. prior to tomorrow's briefing.

Peggy Sims
Election Research Specialist

Literature-Report Review Summary.doc
----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:19 PM -----

"Tova Wang"
[redacted]
05/16/2006 11:03 AM

To psims@eac.gov, serebrov@sbcglobal.net
cc
Subject RE: Your Materials

I think he can just raise these points at the meeting, no? I'm sure many we interviewed would say we misquoted them on something. This is what both Job and I remember him saying. I think it would be unfair for him to change/amend his interview without giving the same opportunity to the other interviewees.

-----Original Message-----
From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 9:59 AM
To: [redacted]
Subject: Fw: Your Materials

See corrections from Donsanto at DOJ. We should probably provide corrected versions to the Working Group. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/16/2006 10:58 AM -----
"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

To psims@eac.gov
cc
Subject Your 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 re3ceive 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 04:19 PM -----

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

05/19/2006 03:17 PM

To psims@eac.gov

cc "Simmons, Nancy" <Nancy.Simmons@usdoj.gov>

Subject Re: Voting Fraud-Voter Intimidation Project-Nexis Word Search

Peggy --

I was just thinking of you!

Great session yesterday. I really enjoyed it. Robust discussion.

On another subject, Nancy Simmons needs the e-mail address of NASED. Can you give her both that and the website address for them? Her e-mail is nancy.simmons@usdoj.gov.

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: Fri May 19 14:51:21 2006
Subject: Voting Fraud-Voter Intimidation Project-Nexis Word Search

Craig;

You asked about the Nexis search terms used by our consultants. The list follows. --- Peggy.

Election and fraud
Voter and fraud
Vote and fraud
Voter and challenge
Vote and challenge
Election and challenge
Election and irregularity
Election and irregularities
Election and violation
Election and stealing
Ballot box and tampering
Ballot box and theft
Ballot box and stealing
Election and officers
Election and Sheriff
Miscount and votes
Election and crime
Election and criminal
Vote and crime
Vote and criminal
Double voting
Multiple voting
Dead and voting
Election and counting and violation
Election and counting and error
Vote and counting and violation
Vote and counting and error
Voter and intimidation
Voter and intimidating
Vote and intimidation
Denial and voter and registration
Voter identification
Vote and identification
Voter and racial profiling
Vote and racial profiling
Voter and racial
Vote and racial
Voter and racial and challenge
Vote and racial and challenge
Voter and deny and racial
Vote and deny and racial
Voter and deny and challenge
Vote and deny and challenge
Voter and deny and black
Vote and deny and black
Voter and black and challenge
Vote and black and challenge
Voter and deny and African American
Vote and deny and African American
Voter and African American and challenge
Vote and African American and challenge
Election and black and challenge
Election and African American and challenge
Voter and deny and Hispanic
Voter and deny and Latino
Vote and deny and Hispanic

Vote and deny and Latino
Voter and Hispanic and challenge
Voter and Latino and challenge
Vote and Hispanic and challenge
Vote and Latino and challenge
Election and Hispanic and challenge
Election and Latino and challenge
Voter and deny and Native American
Vote and deny and Native American
Voter and Native American and challenge
Vote and Native American and challenge
Election and Native American and challenge
Voter and deny and Asian American
Vote and deny and Asian American
Voter and Asian American and challenge
Vote and Asian American and challenge
Voter and Asian American and challenge
Election and Asian American and challenge
Voter and deny and Indian
Vote and deny and Indian
Voter and Indian and challenge
Vote and Indian and challenge
Election and Indian and challenge
Poll tax
Voting and test
Absentee ballot and deny
Absentee ballot and reject
Absentee ballot and challenge
Vote and challenge
Voter and challenge
Election and challenge
Vote and police
Voter and police
Poll and police
Vote and law enforcement
Voter and law enforcement
Poll and law enforcement
Vote and deceptive practices
Voter and deceptive practices
Election and deceptive practices
Voter and deceive
Voter and false information
Dirty tricks
Vote and felon
Vote and ex-felon
Disenfranchisement
Disenfranchise
Law and election and manipulation
Vote and purging
Vote and purge
Registration and removal
Registration and purging
Registration and purge
Vote buying
Vote and noncitizen
Voter and noncitizen
Vote and selective enforcement
Identification and selective
Election and misinformation
Registration and restrictions
Election and administrator and fraud

Election and official and fraud
Provisional ballot and deny
Provisional ballot and denial
Affidavit ballot and deny
Affidavit ballot and denial
Absentee ballot and coerce
Absentee ballot and coercion
Registration and destruction
Voter and deter
Vote and deterrence
Voter and deterrence
Ballot integrity
Ballot security
Ballot security and minority
Ballot security and black
Ballot security and African American
Ballot security and Latino
Ballot security and Hispanic
Ballot security and Native American
Ballot security and Indian
Vote and suppression
Minority and vote and suppression
Black and vote and suppression
African American and vote and suppression
Latino and vote and suppression
Hispanic and vote and suppression
Native American and vote and suppression
Vote and suppress
Minority and vote and suppress
African American and vote and suppress
Latino and vote and suppress
Native American and vote and suppress
Vote and depress
Jim Crow
Literacy test
Voter and harass
Voter and harassment
Vote and mail and fraud
Poll and guards
Election and consent decree
Vote and barrier
Voting and barrier
Voter and barrier
Election and long line
Voter and long line

Poll worker and challenge
Poll worker and intimidate
Poll worker and intimidation
Poll worker and intimidating
Poll worker and threatening
Poll worker and abusive
Election official and challenge
Election official and intimidate
Election official and intimidation
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Poll watcher and challenge
Poll watcher and intimidate
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Poll inspector and challenge
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Poll monitor and challenge
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Election monitor and abusive
Election monitor and threatening
Election observer and challenge
Election observer and intimidate
Election observer and intimidating
Election observer and intimidation
Election observer and abusive
Election observer and threatening

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 04:19 PM -----

"Tova Wang"
[redacted]
05/15/2006 05:05 PM

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

Sounds good. Thanks.

-----Original Message-----
From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, May 15, 2006 4:03 PM
To: [redacted]
Subject: Re: Fraud Definition

Election and stealing

Ballot box and tampering
Ballot box and theft
Ballot box and stealing
Election and officers
Election and Sheriff
Miscount and votes
Election and crime
Election and criminal
Vote and crime
Vote and criminal
Double voting
Multiple voting
Dead and voting
Election and counting and violation
Election and counting and error
Vote and counting and violation
Vote and counting and error
Voter and intimidation
Voter and intimidating
Vote and intimidation
Denial and voter and registration
Voter identification
Vote and identification
Voter and racial profiling
Vote and racial profiling
Voter and racial
Vote and racial
Voter and racial and challenge
Vote and racial and challenge
Voter and deny and racial
Vote and deny and racial
Voter and deny and challenge
Vote and deny and challenge
Voter and deny and black
Vote and deny and black
Voter and black and challenge
Vote and black and challenge
Voter and deny and African American
Vote and deny and African American
Voter and African American and challenge
Vote and African American and challenge
Election and black and challenge
Election and African American and challenge
Voter and deny and Hispanic
Voter and deny and Latino

Vote and deny and Hispanic
Vote and deny and Latino
Voter and Hispanic and challenge
Voter and Latino and challenge
Vote and Hispanic and challenge
Vote and Latino and challenge
Election and Hispanic and challenge
Election and Latino and challenge
Voter and deny and Native American
Vote and deny and Native American
Voter and Native American and challenge
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Poll inspector and threatening
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Poll judge and intimidate
Poll judge and intimidating

Wendy R. Weiser
Deputy Director, Democracy Program
Brennan Center for Justice at NYU School of Law
[redacted]
New York, NY 10013
[redacted]

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Bryan Whitener/EAC/GOV
10/11/2006 03:21 PM

To Thomas R. Wilkey/EAC/GOV@EAC
cc Jeannie Layson/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC
Subject Re: request for reports - Wendy Weiser, Brennan Center

Tom,

Thanks but Wendy Weiser seems to be under the assumption that we provided all of this material to USA Today. As agreed to by the commissioners, counsel and staff, we only provided USA Today with the public documents that were presented to the advisory boards at the May meetings. Should we not clarify this to Wendy and provide her or anyone else with the same. I also just received the same request from election officials in Cook County, IL and King County, WA. Reporters are pestering them for information based on the USA Today article so election officials now want it from EAC. Looks like this is only the start so we need to get ahead of the curve.

Thomas R. Wilkey/EAC/GOV

Thomas R. Wilkey/EAC/GOV
10/11/2006 11:42 AM

To Bryan Whitener/EAC/GOV@EAC
cc Jeannie Layson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC
Subject Re: request for reports - Wendy Weiser, Brennan Center

Both of these reports are draft reports to the EAC and are currently being reviewed by staff.
While we have relaesed some of the data tables that Eagleton nether of these reports can be released.

Sent from my BlackBerry Wireless Handheld
Bryan Whitener
----- Original Message -----

From: Bryan Whitener
Sent: 10/11/2006 11:34 AM

To: Thomas Wilkey
Cc: Jeannie Layson; Margaret Sims; Karen Lynn-Dyson; Juliet Hodgkins
Subject: Fw: request for reports - Wendy Weiser, Brennan Center

Tom,

Do we have a policy on distributing the items she is requesting?

---- Forwarded by Bryan Whitener/EAC/GOV on 10/11/2006 11:33 AM ----

"Wendy Weiser"
[redacted]
10/11/2006 10:57 AM

To bwhitener@eac.gov
cc
Subject request for reports

Mr. Whitener,

I write to request a copy of the following two reports submitted to the Election Assistance Commission:

(1) a report on voter fraud and voter intimidation, outlining a future research agenda, prepared by Tova Wang and Job Serebrov, and discussed in this morning's USA TODAY;

(2) a report on provisional ballots and voter ID, prepared by the Moritz School of Law at Ohio State University in collaboration with others.

It is my understanding that these reports were commissioned by and submitted to the EAC several months ago. It is in the public interest to release these reports since they will advance the public discussion and understanding of important election administration issues.

Thank you very much for your attention to this request. Please let me know when I can expect to receive a copy of these reports. If this request is denied, please provide an explanation as to why.

Sincerely,

Wendy R. Weiser
Deputy Director, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue of the Americas, 12th Floor
New York, NY 10013
[redacted]

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Margaret Sims/EAC/GOV
08/22/2006 02:09 PM

To "Donsanto, Craig" <Craig.Donsanto@usdoj.gov>@GSAEXTERNAL
cc
Subject RE: Does EAC have access to stats on --

We don't have a summary in numbers. We just have a summary of cases, some of which do not appear to reach the level of election fraud, and the charts of newspaper articles, some of which only contain allegations and some of which report convictions. These charts were on the CD I sent you before the Working Group meeting. Unfortunately, we have a long way to go before we have what I would classify as statistics.

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

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

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>
08/22/2006 01:54 PM

To psims@eac.gov
cc
Subject RE: Does EAC have access to stats on --

Peggy - - I can take whatever you got!!! What does the data you got show?

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, August 22, 2006 1:53 PM
To: Donsanto, Craig
Subject: Re: Does EAC have access to stats on --

No reliable, comprehensive data --- just the preliminary research results from case law, literature review, and interviews. --- Peggy

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

08/22/2006 12:50 PM

To psims@eac.gov, bhancock@eac.gov
cc "Campbell, Benton" <Benton.Campbell@usdoj.gov>, "Simmons, Nancy" <Nancy.Simmons@usdoj.gov>
Subject Does EAC have access to stats on --

-- State and local level prosecutions dealing with electoral fraud?

This message was brought to you by Dr. D's fabulous Blackberry!

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Margaret Sims/EAC/GOV
10/11/2006 02:37 PM

To Jeannie Layson/EAC/GOV@EAC
cc twilkey@eac.gov, Juliet E. Hodgkins/EAC/GOV@EAC, bwhitener@eac.gov
Subject Re: Voting Fraud-Voter Intimidation Report

The answer is tricky. The working group met *after the written report was submitted* for the board meetings, but *before the status report was formally presented* (orally) at the board meetings. --- Peggy

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
10/11/2006 02:27 PM

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

So the answer is yes, they did meet after the status report was presented?

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
10/11/2006 02:26 PM

To Jeannie Layson/EAC/GOV@EAC
cc twilkey@eac.gov, Juliet E. Hodgkins/EAC/GOV@EAC, bwhitener@eac.gov
Subject Re: Voting Fraud-Voter Intimidation Report

The status report was written on May 17, 2006 (the last day it could be submitted for the upcoming board meetings). The first and only meeting of the working group was May 18, 2006. --- Peggy

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
10/11/2006 02:06 PM

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

Yes, that is what prompted my question. So the answer is no -- they have not met since May 17?

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 04/30/2007 02:25 PM -----

Thomas R. Wilkey/EAC/GOV
10/13/2006 01:33 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Funding

Peggy,
Could you give Jeannie a call she needs some help fashioning a statment regarding the USA Today article since Tova and Job are hoping mad
Thanks

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: Margaret Sims
Sent: 10/13/2006 01:30 PM
To: Thomas Wilkey; Diana Scott
Cc: Edgardo Cortes; Bola Olu
Subject: Fw: Funding

FYI.

----- Forwarded by Margaret Sims/EAC/GOV on 10/13/2006 01:22 PM -----
"Carrera, James A[redacted]

10/10/2006 12:35 PM

To psims@eac.gov
cc
Subject Funding

Peggy,

As noted in our recent status report, 75 percent of contract funding has been reached. The attached is submitted in accordance with the contract requirements.

If you have any questions pleased contact me.

Regards,
Jim

James Carrera / KPMG LLP / [redacted]

****
The information in this email is confidential and may be legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorized.
If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. When addressed to our clients any opinions or advice contained in this email are subject to the terms and conditions expressed in the governing KPMG client engagement letter.
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----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Margaret Sims/EAC/GOV
09/27/2006 12:51 PM

To Bryan Whitener
cc Juliet E. Hodgkins/EAC/GOV@EAC, Karen

Lynn-Dyson/EAC/GOV@EAC
Subject Status Report on Voting Fraud-Voter Intimidation Study

Bryan:

An electronic copy of the status report is attached, as requested for the USA Today inquiry. The status report includes the attachment listing the Working Group members. I suggest that you check to ensure that I have protected the copy against any manipulation, and protect it yourself if I have not, before sending it out to anyone. --- Peggy

EAC Boards VF-VI Status Report.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Jeannie Layson/EAC/GOV
10/12/2006 04:20 PM

To Thomas R. Wilkey/EAC/GOV@EAC
cc ggilmour@eac.gov, jthompson@eac.gov, klynndyson@eac.gov, psims@eac.gov
Subject Re: Brennan Center letter

Who is signing the letter?

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 04/30/2007 02:25 PM -----

Thomas R. Wilkey/EAC/GOV
10/12/2006 04:27 PM

To Jeannie Layson/EAC/GOV@EAC
cc ggilmour@eac.gov, jthompson@eac.gov, klynndyson@eac.gov, psims@eac.gov
Subject Re: Brennan Center letter

I will IF they sign off on it

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

Jeannie Layson/EAC/GOV

10/12/2006 04:20 PM

To Thomas R. Wilkey/EAC/GOV@EAC
cc ggilmour@eac.gov, jthompson@eac.gov, klynndyson@eac.gov, psims@eac.gov
Subject Re: Brennan Center letter Link

Who is signing the letter?

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 04/30/2007 02:25 PM -----

Jeannie Layson/EAC/GOV
10/12/2006 04:14 PM

To twilkey@eac.gov, psims@eac.gov, jthompson@eac.gov, ggilmour@eac.gov
cc
Subject Fw: reporter - Art Levine, Salon.com

See questions below. I can answer the first two, but see if this language is acceptable for questions 3 and 4.

Can I get full report submitted by Tova Wang? If not, why not? EAC staff is currently reviewing the data, and we have not compiled a final report. I will make sure you receive the final report when it is issued.

This answer will probably not make him happy, but it's the best I can come up with. Suggestions?

----- Forwarded by Jeannie Layson/EAC/GOV on 10/12/2006 04:06 PM -----
Bryan Whitener/EAC/GOV

10/12/2006 04:09 PM

To Jeannie Layson/EAC/GOV@EAC
cc
Subject reporter - Art Levine, Salon.com

Art Levine
[redacted]
deadline today or tomorrow

What exactly is the document USA Today refers to ?
Is it a report or just a staff document ?
Can I get full report submitted by Tova Wang ?
If not, why not ?

FYI
Google search shows this on the DLC website
[redacted]

Art Levine
Senior Fellow
[redacted]
Washington, D.C. 20008
[redacted]

Also,

Salon's shameful six

There was Florida in 2000 and Ohio in 2004. Here are the six states where vote suppression could cost voters their voice -- and Democrats the election -- in 2006.

Salon News
By Art Levine

Eva Steele has a son in the military who is supposed to be fighting for freedom in Iraq, but sitting in a wheelchair in her room in a Mesa, Ariz., assisted-living facility, she wonders why it's so hard for her to realize a basic freedom back here in America: the right to vote.

Arriving in Arizona in January from Kansas City, weakened by four heart attacks and degenerative disk disease, Steele, 57, discovered that without a birth certificate she can't register to vote. Under a draconian new Arizona law that supposedly targets illegal immigrants, she needs proof of citizenship and a state-issued driver's license or photo I.D. to register. But her van and purse were stolen in the first few weeks after she moved to Mesa, and with her disability checks going to rent and medicine, she can't afford the $15 needed to get her birth certificate from Missouri. Her wheelchair makes it hard for her to navigate the bus routes or the bureaucratic maze required to argue with state bureaucrats. She's unable to overcome the hurdles thrown in her way -- and in the way of as many as 500,000 other Arizona residents -- by the state's Republican politicians.

###

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Jeannie Layson/EAC/GOV
10/12/2006 10:59 AM

To [redacted]
cc
Subject Research update

Tom,
Per our conversation, attached is the update the Standards Bd. and Bd. of Adv. received at their May meeting. That's all it was -- a status report. And we clearly stated in our Fed. Register notice that we would deliver an update on our research projects. And this meeting was open to the public.

Take care, and let's get together soon. Let me know if you need anything else.

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

www.eac.gov VF-VI Study Status 5-17-06.pdf

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Jeannie Layson/EAC/GOV
10/12/2006 05:26 PM

To ghillman@eac.gov, pdegregorio@eac.gov, ddavidson@eac.gov
cc twilkey@eac.gov, jthompson@eac.gov, ggilmour@eac.gov, psims@eac.gov, klynndyson@eac.gov, bwhitener@eac.gov
Subject FOR YOUR APPROVAL

Commissioners,
Wendy Weiser of the Brennan Center has requested some of the information that was distributed to the Bd. of Adv. and the Standards Bd. at the May meeting. Her request is below. Attached is a draft letter that I

suggest accompany the information we provide. Also enclosed would be the resolutions passed by both entities. Please let me know if the letter meets your approval. (The letter would be from Tom.)

I write to request a copy of the following two reports submitted to the Election Assistance Commission:

(1) a report on voter fraud and voter intimidation, outlining a future research agenda, prepared by Tova Wang and Job Serebrov, and discussed in this morning's USA TODAY;

(2) a report on provisional ballots and voter ID, prepared by the Moritz School of Law at Ohio State University in collaboration with others.

It is my understanding that these reports were commissioned by and submitted to the EAC several months ago. It is in the public interest to release these reports since they will advance the public discussion and understanding of important election administration issues.

Thank you very much for your attention to this request. Please let me know when I can expect to receive a copy of these reports. If this request is denied, please provide an explanation as to why.

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

www.eac.gov brennan center letter.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
08/22/2006 02:44 PM

To "Campbell, Benton" <Benton.Campbell@usdoj.gov>, "Simmons, Nancy" <Nancy.Simmons@usdoj.gov>
cc psims@eac.gov
Subject FW: Does EAC have access to stats on --

Ben - -

This forwards a short e-mail chain between me and Peg Sims at the EAC. Peg is an institution where this sort of thing is concerned and if there were national stats available she would be the first place I would go - - which come to think of it is why I did!

Her remarks bring-up another issue: apples and oranges.

There are a lot of categories of crime that could arguably fit under the umbrella of "election crime" but which would not be the sort of thing we would find useful for present purposes. Examples would be theft of election materials unrelated to an intent to corrupt the election, campaigning or assaults in or near polls, "campaign slander" (i.e., lying about one's opponent) which is not a federal crime but is potentially a crime in 20 or so states, corruption in the procurement of election equipment (i.e., Louisiana had a recent high

profile case against its secretary of state who took bribes from voting equipment vendors in exchange for buying their machines). This stuff is criminal, but it dopes not involve corruption of them electoral process itself.

Also, some local prosecutors who do enforce the laws dealing with particularly vote buying - - for various reasons - - chose to prosecute the voters for selling their votes rather than the corrupt political operatives who buy the votes. Many times this is simply because slamming the voter rather than the corrupt pols is easier, quicker and does not entangle the prosecutor in the caldron of local politics. In other instances it is more sinister: I am aware of several instances where local prosecutors tried to charge voters whose names surfaced as people whose votes locally prominent pols had been bought in order to silence them in the federal case. Federally, we usually treat the voters as victims and go after those who tried to purchase their birthright. In one case in Western North Carolina, the target of our case was a local DA. When our indictment against him was returned it named the voters whose votes he was being charged with having bought (we try to avoid this now!). His first act of defense was to charge all these voters with selling their votes under N.C. law. We had to intercede for him - - through the U.S. Attorney at that time - -with the N.C. Governor to pardon these voters so that they could testify concerning the material facts without incriminating themselves.

My point here is this:

Even if we can get some State stats, since the State concept of "election crime" and ours is usually different, and since state prosecutors often approach this type of case from an entirely different perspective than we do at the federal level, State stats will likely have minimal value to substantiating the thesis we are trying to advance: that local law enforcement in the election crime area is not adequate.
----- Message from psims@eac.gov on Tue, 22 Aug 2006 14:09:06 -0400 -----

To: "Donsanto, Craig" <Craig.Donsanto@crm.usdoj.gov>

Subject: RE: Does EAC have access to stats on --

We don't have a summary in numbers. We just have a summary of cases, some of which do not appear to reach the level of election fraud, and the charts of newspaper articles, some of which only contain allegations and some of which report convictions. These charts were on the CD I sent you before the Working Group meeting. Unfortunately, we have a long way to go before we have what I would classify as statistics.

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

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

08/22/2006 01:54 PM

To psims@eac.gov
cc
Subject RE: Does EAC have access to stats on --

Peggy - - I can take whatever you got!!! What does the data you got show?

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, August 22, 2006 1:53 PM
To: Donsanto, Craig
Subject: Re: Does EAC have access to stats on --

No reliable, comprehensive data --- just the preliminary research results from case law, literature review, and interviews. --- Peggy

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

08/22/2006 12:50 PM

To psims@eac.gov, bhancock@eac.gov
cc "Campbell, Benton" <Benton.Campbell@usdoj.gov>, "Simmons, Nancy" <Nancy.Simmons@usdoj.gov>
Subject Does EAC have access to stats on --

-- State and local level prosecutions dealing with electoral fraud?

This message was brought to you by Dr. D's fabulous Blackberry!

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

"Tova Wang"
[redacted]
10/03/2006 10:41 AM

To "'Ambrogi, Adam (Rules)'" <Adam_Ambrogi@rules.senate.gov>, psims@eac.gov
cc
Subject RE: Chapin Survey

Thanks Adam. As the current project moves forward and then proceeds to phase 2, this will be a great resource I'm sure. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
[redacted]

[redacted] for the latest news, analysis, opinions, and events.

From: Ambrogi, Adam (Rules) [mailto:Adam_Ambrogi@rules.senate.gov]
Sent: Monday, October 02, 2006 11:39 AM
To: psims@eac.gov;[redacted]
Subject: Chapin Survey

Peggy and Tova:

I know that we had been looking for a state survey of election fraud and intimidation statutes—as you may have seen, doug chapin recently released a report on this info-attached here. I hope all is well with the both of you.

Best regards,
Adam

Adam D. Ambrogi
Democratic Professional Staff Member
Senate Committee on Rules and Administration
Russell Senate Office Building, Room 479
Washington, D.C. 20510
202-224-0279

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Margaret Sims/EAC/GOV
10/13/2006 04:40 PM

To Jeannie Layson/EAC/GOV
cc twilkey@eac.gov
Subject Fw: Don't Believe Everything You Read

Jeannie:

Attached is the email I sent to Tova and Job, and Job's response. (I have not yet heard back from Tova.)

--- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 10/13/2006 04:37 PM -----

"Job Serebrov"
[redacted]et>
10/13/2006 03:26 PM

To psims@eac.gov, wang@tcf.org
cc
Subject Re: Don't Believe Everything You Read

Peg:

We saw both the USA Today article and a similar thing was reported on Rush Limbaugh's show naming both of us. I had a talk this morning with folks at the EAC. I told them at this point there needs to be a press release sent out by the Chairman saying just what you stated. This is the only way to rehabilitate the work we did, the Chairman's credibility, and our reputations. I also fear that if this is not done the EAC will begin to receive calls from Congressman and Senators regarding the "report" and its effect on voter ID requirements.

Peg, up to now Tova and I have refused to speak with the press at all out of respect for the EAC and its mission. We both stand by our work and its conclusions. We both also feel that if a statement (as well phrased as you did in this e-mail clarifying the issue) is not forthcoming from the Chairman then I will have to correct this error with the Press. I explained this in my conversation this morning with the EAC.

Tova and I worked hard to produce a correct, accurate and truthful report. I could care less that the results are not what the more conservative members of my Party wanted. Neither one of us was willing to conform results for political expediency. I think its important for me to note that I was very impressed with Tova's members of the Working Group and I can't say enough about Tova's partnership effort in this endeavor. While neither one of us really care about outside opinions, we do care that the Chairman was quoted or misquoted in a way that would disparage our year-long effort and all of the tax payer money that went into it. For this reason, we believe that a press release clarifying the situation is necessary from either the Chairman or from me.

Regards,

Job

psims@eac.gov wrote:

Tova and Job:

I am home recuperating, but see that in my absence, a USA Today article has gotten everyone stirred up. The report to which the article refers is only the status report on the voting fraud-voter intimidation research project that was delivered to our Standards Board and Board of Advisors last spring. I provided a copy of this document to both of you. but have attached another copy for your information. This

document is subject to public release because it was presented at a pubic meeting.

Due to internal resource allocation problems, your final report has not yet been reviewed by the Commissioners. It is considered a working document (not subject to public release) until it has completed the review process and the Commissioners have agreed to release it. There has been no attempt by the Commission to hold up the report. I bear responsibility for any delays in moving it along. Please be reassured that we would not release your report without letting you know.

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 02:25 PM -----

Jeannie Layson/EAC/GOV
10/13/2006 04:11 PM

To psims@eac.gov
cc
Subject job and tova

Please forward me the email you sent Tova and Job, as he is calling me and I want to make sure I understand what is being communicated to them. Thank you.

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 04/30/2007 02:25 PM -----

Jeannie Layson/EAC/GOV
10/11/2006 08:22 AM

To pdegregorio@eac.gov, ghillman@eac.gov, ddavidson@eac.gov
cc twilkey@eac.gov, jthompson@eac.gov, psims@eac.gov, bwhitener@eac.gov
Subject USA Today

See story below that ran in today's USA Today. This reporter requested the info a few weeks ago, and we had to release it b/c it was distributed at a Standards Bd. meeting, which is considered a public venue.

Also, the document was not labeled draft.

I anticipate that we may get questions about why we haven't released it. I propose the following response. Please let me know if you approve. The story follows.

"This was a preliminary report presented to our oversight committees. The EAC is waiting on a final report, which we will release upon its completion."

Report refutes fraud at poll sites

Updated 10/11/2006 8:05 AM ET

By Richard Wolf, USA TODAY

WASHINGTON — At a time when many states are instituting new requirements for voter registration and identification, a preliminary report to the U.S. Election Assistance Commission has found little evidence of the type of polling-place fraud those measures seek to stop.

USA TODAY obtained the report from the commission four months after it was delivered by two consultants hired to write it. The commission has not distributed it publicly.

NEW LAWS: Thousands of voters shut out

At least 11 states have approved new rules for independent voter-registration drives or requirements that voters produce specific forms of photo ID at polling places. Several of those laws have been blocked in court, most recently in Arizona last week. The House of Representatives last month approved a photo-ID law, now pending in the Senate.

The bipartisan report by two consultants to the election commission casts doubt on the problem those laws are intended to address. "There is widespread but not unanimous agreement that there is little polling-place fraud, or at least much less than is claimed, including voter impersonation, 'dead' voters, non-citizen voting and felon voters," the report says.

The report, prepared by Tova Wang, an elections expert at the Century Foundation think tank, and Job Serebrov, an Arkansas attorney, says most fraud occurs in the absentee ballot process, such as through coercion or forgery. Wang declined to comment on the report, and Serebrov could not be reached for comment.

Others who reviewed the report for the election commission differ on its findings. Jon Greenbaum of the liberal Lawyers' Committee for Civil Rights Under Law says it was convincing. The committee wrote to the commission Friday seeking its release.

Conservatives dispute the research and conclusions. Thor Hearne, counsel to the American Center for Voting Rights, notes that the Justice Department has sued Missouri for having ineligible voters registered, while dead people have turned up on the registration rolls in Michigan. "It is just wrong to say that this isn't a problem," he says.

That's one reason the commission decided not to officially release the report. "There was a division of opinion here," Chairman Paul DeGregorio says. "We've seen places where fraud does occur."

The consultants found little evidence of that. Barry Weinberg, former deputy chief of the voting section in the Justice Department's civil rights division, reviewed their work. "Fraud at the polling place is generally difficult to pull off," he says. "It takes a lot of planning and a lot of coordination."

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 04/30/2007 02:25 PM -----

Gracia Hillman/EAC/GOV
10/11/2006 09:54 AM

To Jeannie Layson/EAC/GOV@EAC
cc bwhitener@eac.gov, ddavidson@eac.gov, jthompson@eac.gov, pdegregorio@eac.gov, psims@eac.gov, twilkey@eac.gov
Subject Re: USA Today

The proposed response sounds okay but the story is out. Other media may want the information. That the material given USA Today wasn't identified as draft or preliminary findings is now our problem.

I hope we are working post haste to have the report ready to release less we be seen as trying to bury this. It seems to me that other articles will be written, if not from the document that we sent to USA Today, then certainly from the USA Today article as the source document.

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Thomas R. Wilkey/EAC/GOV
09/22/2006 05:17 PM

To Bryan Whitener/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC
cc Jeannie Layson/EAC/GOV@EAC
Subject Re: Media request - USA Today

My intial reaction is that both reports are currently under review by EAC staff.
I will entertain other thoughts but that is pretty much the what is the situation right now.
Both research projects were desgined to give the EAC issues and recommendations in both of these areas and are currently being reviewd.
As a matter of fact the report from our consultants on Voter fraud and Intimaation has not been forwarded by staff to the Commissioers but Peg will need to weigh in on that.

Sent from my BlackBerry Wireless Handheld
Bryan Whitener

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

From: Bryan Whitener
Sent: 09/22/2006 05:10 PM
To: Margaret Sims; Karen Lynn-Dyson; Thomas Wilkey; Juliet Hodgkins; Gavin Gilmour
Cc: Jeannie Layson
Subject: Media request - USA Today

All

Richard Wolf of USA Today called and asked for the following. Jeannie and I ask that you consider this carefully and let us know ASAP what to provide .

(1) The status report on voter fraud and consultant update that was presented to the advisory boards in May, 2006.

(2) The status of the required guidance document on provisional voting and voter ID that is referenced in the following passage in today's Electionline Weekly by Doug Chapin.

> In addition to the EAC's considerable election management responsibilities (especially in the area of voting equipment certification and testing), the agency has key policy issues to resolve in the immediate to near-term future, including a required guidance document on provisional voting and voter ID (now nearly two years overdue) and continued regulatory oversight over state implementation of "motor voter". This latter issue will almost certainly involve questions about the intersection of state and federal laws on voter registration - questions which divided the Commission when applied to Arizona, and could divide it again as Republicans and Democrats continue their traditional struggle to balance access to the franchise with concerns about the potential for fraud at the polls.

Thanks,
Bryan

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Thomas R. Wilkey/EAC/GOV
10/12/2006 04:19 PM

To Jeannie Layson/EAC/GOV@EAC
cc ggilmour@eac.gov, jthompson@eac.gov, klynndyson@eac.gov, psims@eac.gov
Subject Re: Brennan Center letter

I like this..it needs to go to the 3 C's for review and approval.
We also need to be prepared as to what happens when they receive it.
Thanks for your help.
Tom

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

Jeannie Layson/EAC/GOV

10/12/2006 04:08 PM To twilkey@eac.gov

cc jthompson@eac.gov, ggilmour@eac.gov, klynndyson@eac.gov, psims@eac.gov

Subject Brennan Center letter

Tom,
A draft letter is attached. I've incorporated comments from Gavin and Julie.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov brennan center letter.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Margaret Sims/EAC/GOV

09/25/2006 12:36 PM To Juliet E. Hodgkins/EAC/GOV@EAC, twilkey@eac.gov

cc Karen Lynn-Dyson/EAC/GOV@EAC

Subject Preparation for Vote Fraud Conference in Utah

Matt (and Amy) are working on a speech for the Chairman to deliver at the Vote Fraud conference in Utah at the end of the week. Matt has asked for the consultants' definition of vote fraud/voter intimidation and the draft recommendations. As neither have been through full Commission review, I would like to speak with one or both of you before I drop this information in any one Commissioner's lap. Matt is looking for this information today. FYI, attached are copies of the consultants' definition and the draft recommendations from the consultants and others from the working group. Also attached is a summary of concerns expressed by the working group. --- Peggy

Fraud Project Definition-rev 6-27.doc RECOMMENDATIONS - final2.doc Working Group Recommendations final.doc

Key Working Group Comments and Observations AND concerns final.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Bryan Whitener/EAC/GOV

10/11/2006 05:29 PM To Paul DeGregorio/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.

Hodgkins/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC
Subject AP voter fraud story posted

Report: Voter fraud may be overstated

By WILL LESTER
Associated Press Writer
Oct 11, 4:40 PM EDT
October 11, 2006

WASHINGTON (AP) -- The most common form of voter fraud involves absentee ballots, including forgery and coercion in getting older or ailing voters to fill them out, according to a preliminary report to the U.S. Election Assistance Commission.

But the report, delivered in May, suggested that reports of polling place fraud involving "dead" voters and voting by felons and non-citizens might be overstated. The researchers said there is far more anecdotal evidence about voter fraud than specific verifiable claims.

"On balance, more researchers find it to be less of a problem than is commonly described in political debate," the report said.

"Many times people put their own partisan spin on voter fraud and voter intimidation," EAC Chairman Paul DeGregorio said Wednesday.

DeGregorio said the report was only preliminary and cautioned that more investigation is needed to understand the amount of voter fraud in this country.

"Many times you see people attempting to commit fraud, but it never gets to the level of being reported," said DeGregorio, a former elections official in St. Louis. He noted a case of more than 1,400 suspect voter registration cards being investigated in St. Louis.

The preliminary report was prepared by Tova Wang, an elections expert at the Century Foundation think tank and Job Serebrov, an Arkansas attorney.

Conservatives have argued the problem of voter fraud is severe in some states, while liberals generally argue that voters face too many restrictions.

New state laws requiring voters to present identification at polling places have faced legal challenges in states such as Arizona and Georgia.

"It's absolutely a serious problem," said Thor Hearne, counsel to the American Center for Voting Rights. "It's an unfortunate reality, particularly in battleground states."

Those problems include voter fraud and voter intimidation, he said.

The final voter fraud report is expected after the Nov. 7 midterm elections, DeGregorio said.

###

---- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM ----

Jeannie Layson/EAC/GOV
10/12/2006 10:32 AM

To [redacted]

cc

Subject today's posting

Dan,
Just wanted to let you know that the USAT article is not about a research report but a "status" report, which was presented to the Standards Bd. and the Bd. of Advisors at a meeting held in May. During this meeting, these entities received updates on many EAC activities, and the aforementioned status report was just one of those updates. And by the way, the meeting was open to the public, and posted on our website and in the Fed. Register. In the Fed. Register notice you'll see that the agenda included an update on our research projects.

Please let me know if you have any questions. Thank you for your consideration in this matter.

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 04/30/2007 02:25 PM -----

Thomas R. Wilkey/EAC/GOV
10/12/2006 04:26 PM

To Jeannie Layson/EAC/GOV@EAC
cc ggilmour@eac.gov, jthompson@eac.gov, psims@eac.gov
Subject Re: Fw: reporter - Art Levine [redacted]

A.) The "report" they refer to was a status report written by staff
B.) The full report is currently being reviewed by staff and the report was intended to give recommendations to the EAC on how and what to do additional studies or guidance on.
C.) the report will be available at some future time after staff has had an opportunity to review and evaluate it's contents.

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

Jeannie Layson/EAC/GOV

10/12/2006 04:14 PM

To twilkey@eac.gov, psims@eac.gov, jthompson@eac.gov, ggilmour@eac.gov
cc
Subject Fw: reporter - Art Levin[redacted]

See questions below. I can answer the first two, but see if this language is acceptable for questions 3 and 4.

Can I get full report submitted by Tova Wang? If not, why not? EAC staff is currently reviewing the data, and we have not compiled a final report. I will make sure you receive the final report when it is issued.

This answer will probably not make him happy, but it's the best I can come up with. Suggestions?

----- Forwarded by Jeannie Layson/EAC/GOV on 10/12/2006 04:06 PM -----
Bryan Whitener/EAC/GOV

10/12/2006 04:09 PM

To Jeannie Layson/EAC/GOV@EAC
cc
Subject reporter - Art Levine[redacted]

Art Levine
[redacted]
deadline today or tomorrow

What exactly is the document USA Today refers to ?
Is it a report or just a staff document ?
Can I get full report submitted by Tova Wang ?
If not, why not ?

FYI
Google search shows this on the DLC website
[redacted]

Art Levine
Senior Fellow
[redacted]
[redacted]
Washington, D.C. 20008
[redacted]
[redacted]m

Also,

Salon's shameful six

There was Florida in 2000 and Ohio in 2004. Here are the six states where vote suppression could cost voters their voice -- and Democrats the election -- in 2006.

Salon News
By Art Levine

Eva Steele has a son in the military who is supposed to be fighting for freedom in Iraq, but sitting in a wheelchair in her room in a Mesa, Ariz., assisted-living facility, she wonders why it's so hard for her to realize a basic freedom back here in America: the right to vote.

Arriving in Arizona in January from Kansas City, weakened by four heart attacks and degenerative disk disease, Steele, 57, discovered that without a birth certificate she can't register to vote. Under a draconian new Arizona law that supposedly targets illegal immigrants, she needs proof of citizenship and a state-issued driver's license or photo I.D. to register. But her van and purse were stolen in the first few weeks after she moved to Mesa, and with her disability checks going to rent and medicine, she can't afford the $15 needed to get her birth certificate from Missouri. Her wheelchair makes it hard for her to navigate the bus routes or the bureaucratic maze required to argue with state bureaucrats. She's unable to overcome the hurdles thrown in her way -- and in the way of as many as 500,000 other Arizona residents -- by the state's Republican politicians.

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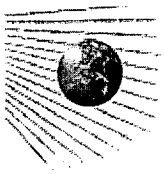
----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----



Paul DeGregorio/EAC/GOV
09/27/2006 12:36 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Last Submission from Vote Fraud-Voter Intimidation Consultants

No big deal--and no big delay. Don't worry about it.

Paul DeGregorio
Chairman
US Election Assistance Commission

1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV
09/27/2006 12:18 PM

To pdegregorio@eac.gov
cc
Subject Last Submission from Vote Fraud-Voter Intimidation Consultants

Dear Mr. Chairman:

The last submission from the Vote Fraud-Voter Intimidation Study consultants is dated August 8. At this time, EAC staff are reviewing all items submitted for the report to the Commission with an eye toward the best way of presenting the information to the Commissioners for their consideration. There has been some delay in this staff review process, for which I take full responsibility.

Peggy Sims
Election Research Specialist

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Jeannie Layson/EAC/GOV
10/12/2006 02:03 PM

To twilkey@eac.gov
cc jthompson@eac.gov, psims@eac.gov, ggilmour@eac.gov, klynndyson@eac.gov
Subject response to Wendy Weiser

Attached is a proposed draft. I have to get this resolved ASAP as she is demanding a delivery time from me. I literally cannot answer my phone. Unfortunately, the Brennan Center can and will make a big stink if we don't respond. We don't need more accusations about us sitting on research.

The letter would be accompanied by the resolutions passed at the May meetings.

And, I need to know who is supposed to sign this letter.

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

www.eac.gov brennan center letter.doc

---- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM ----

Jeannie Layson/EAC/GOV
10/12/2006 01:18 PM

To twilkey@eac.gov
cc klynndyson@eac.gov, jthompson@eac.gov, ggilmour@eac.gov, psims@eac.gov
Subject Brennan Center

Please note that Wendy Weiser has asked me to provide a time frame for when I will provide the following documents. Tom, per our conversation, I can write a letter, but how do we address her request for the voter ID info? Also, is this something Karen should handle as these are for research docs? I need an answer soon...

Mr. Whitener,

I write to request a copy of the following two reports submitted to the Election Assistance Commission:

(1) a report on voter fraud and voter intimidation, outlining a future research agenda, prepared by Tova Wang and Job Serebrov, and discussed in this morning's USA TODAY;

(2) a report on provisional ballots and voter ID, prepared by the Moritz School of Law at Ohio State University in collaboration with others.

It is my understanding that these reports were commissioned by and submitted to the EAC several months ago. It is in the public interest to release these reports since they will advance the public discussion and understanding of important election administration issues.

Thank you very much for your attention to this request. Please let me know when I can expect to receive a copy of these reports. If this request is denied, please provide an explanation as to why.

Sincerely,

Wendy R. Weiser

Deputy Director, Democracy Program
Brennan Center for Justice at NYU School of Law
[redacted]r
New York, NY 10013
[redacted]

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 04/30/2007 02:25 PM ----

Margaret Sims/EAC/GOV
10/13/2006 04:18 PM

To Jeannie Layson/EAC/GOV@EAC
cc twilkey@eac.gov
Subject Research Project Descriptions

Jeannie:

Here are the changes I suggested for the Vote Count-Recount and the Voting Fraud-Voter Intimidation research projects. I don't think they will help the current situation much, as the original VF-VI description already stated that it is preliminary research. As it is preliminary research, we did not expect that it would provide a total picture of voting fraud and voter intimidation in this country. We just wanted to get some sense of what is going on, and a better idea of the direction future EAC research on the subject should take. To ensure that the research would be balanced, we had consultants and project working group members from opposing sides of the political spectrum.

According to folks intimately familiar with the development of HAVA, disputes over the extent to which voting fraud and voter intimidation existed caused Congress to add the study of these subjects to EAC's list of research projects. Given the nature of the subject (most offenders try to hide their activities, sufficient evidence is hard come by with some types of activity, and prosecution of offenses may not occur for political or budgetary reasons), it is doubtful that we will ever have completely reliable statistics on occurrences of voting fraud and voter intimidation, but we may be able to obtain better statistics than anyone else has. And we should be able to identify where in the voting process most offenses tend to occur and to explore alternatives for addressing vulnerabilities that leave the process open to corruption.
--- Peggy

Rev Descriptions for Web Site Descriptions of Vote Counts- Recounts and Voting Fraud Research 9-6-06.doc

---- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM ----

"Job Serebrov"
[redacted]
10/13/2006 03:26 PM

To psims@eac.gov,[redacted]
cc

Subject Re: Don't Believe Everything You Read

Peg:

We saw both the USA Today article and a similar thing was reported on Rush Limbaugh's show naming both of us. I had a talk this morning with folks at the EAC. I told them at this point there needs to be a press release sent out by the Chairman saying just what you stated. This is the only way to rehabilitate the work we did, the Chairman's credibility, and our reputations. I also fear that if this is not done the EAC will begin to receive calls from Congressman and Senators regarding the "report" and its effect on voter ID requirements.

Peg, up to now Tova and I have refused to speak with the press at all out of respect for the EAC and its mission. We both stand by our work and its conclusions. We both also feel that if a statement (as well phrased as you did in this e-mail clarifying the issue) is not forthcoming from the Chairman then I will have to correct this error with the Press. I explained this in my conversation this morning with the EAC.

Tova and I worked hard to produce a correct, accurate and truthful report. I could care less that the results are not what the more conservative members of my Party wanted. Neither one of us was willing to conform results for political expediency. I think its important for me to note that I was very impressed with Tova's members of the Working Group and I can't say enough about Tova's partnership effort in this endeavor. While neither one of us really care about outside opinions, we do care that the Chairman was quoted or misquoted in a way that would disparage our year-long effort and all of the tax payer money that went into it. For this reason, we believe that a press release clarifying the situation is necessary from either the Chairman or from me.

Regards,

Job

psims@eac.gov wrote:

Tova and Job:

I am home recuperating, but see that in my absence, a USA Today article has gotten everyone stirred up. The report to which the article refers is only the status report on the voting fraud-voter intimidation research project that was delivered to our Standards Board and Board of Advisors last spring. I provided a copy of this document to both of you. but have attached another copy for your information. This document is subject to public release because it was presented at a pubic meeting.

Due to internal resource allocation problems, your final report has not yet been reviewed by the Commissioners. It is considered a working document (not subject to public release) until it has completed the review process and the Commissioners have agreed to release it. There has been no attempt by the Commission to hold up the report. I bear responsibility for any delays in moving it along.

Please be reassured that we would not release your report without letting you know.

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 02:25 PM -----

Margaret Sims/EAC/GOV
09/26/2006 12:50 PM

To Thomas Wilkey
cc
Subject Fw: Preparation for Vote Fraud Conference in Utah

Here are the documents I sent you yesterday. Also attached is a copy of the status report on this research that was provided to the Standards Board and Board of Advisors earlier this year. --- Peggy

EAC Boards VF-VI Status Report.doc

----- Forwarded by Margaret Sims/EAC/GOV on 09/26/2006 12:48 PM -----

Margaret Sims/EAC/GOV
09/25/2006 12:36 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, twilkey@eac.gov
cc Karen Lynn-Dyson/EAC/GOV@EAC
Subject Preparation for Vote Fraud Conference in Utah

Matt (and Amy) are working on a speech for the Chairman to deliver at the Vote Fraud conference in Utah at the end of the week. Matt has asked for the consultants' definition of vote fraud/voter intimidation and the draft recommendations. As neither have been through full Commission review, I would like to speak with one or both of you before I drop this information in any one Commissioner's lap. Matt is looking for this information today. FYI, attached are copies of the consultants' definition and the draft recommendations from the consultants and others from the working group. Also attached is a summary of concerns expressed by the working group. --- Peggy

Fraud Project Definition-rev 6-27.doc RECOMMENDATIONS - final2.doc Working Group Recommendations final.doc

Key Working Group Comments and Observations AND concerns final.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Karen Lynn-Dyson/EAC/GOV
09/25/2006 12:39 PM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Re: Preparation for Vote Fraud Conference in Utah

Many, many thanks for keeping me in the loop on this
(I think)

:-)

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
04/26/2007 05:24 PM

To eaccon@eac.gov
cc
bcc
Subject Vote Fraud Project

A new email you may want to add to the collection.

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 04/26/2007 05:22 PM -----

Margaret Sims/EAC/GOV
04/26/2007 05:14 PM

To Jeannie Layson/EAC/GOV
cc jthompson@eac.gov
Subject Re: tova

Do we know who received her letter? I haven't seen it. --- Peggy

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/26/2007 04:45 PM

To psims@eac.gov, jthompson@eac.gov
cc
Subject tova

See her press release (third item).

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
04/24/2007 04:27 PM

To eaccon@eac.gov
cc
bcc
Subject Vote Fraud Project Emails

I think the attached emails are the ones missing from the last batch. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 04:22 PM -----

Margaret Sims/EAC/GOV
02/12/2007 02:01 PM

To "Job Serebrov"
[redacted]
cc
Subject Re: 1099

Job:
The 1099 appears to be correct based on records from the Finance Office. Apparently, the amount includes all but the first two payments made to you under the contracts, based on *when* the payment was processed by GSA (see attached spreadsheet). --- Peggy

GSA List of Job Serebrov payment for Year 2006.xls

"Job Serebrov"[redacted]

"Job Serebrov"
[redacted]
02/09/2007 06:19 PM

To psims@eac.gov
cc
Subject Re: 1099

All is well Peg. How are you? I added up my invoices and it should be between $39,700 and $47,000 with the travel check included.

Regards,

Job

--- psims@eac.gov wrote:

> Job:
>
> Julie just forwarded your inquiry. That figure
> looks too high to me, too!
> I'll check with our finance folks next Monday to

Bryan Whitener/EAC/GOV
03/09/2007 02:47 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC
cc Margaret Sims/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC
Subject Response Requested - Fw: info request re: House Appropriations subcommittee hearing

All,

Please see Dan Seligson's questions and request. Exactly what are we going to provide to the House subcommittee and when? Once they receive it, can the subcommittee or its members then release it to anyone they choose? Do we plan to release it to everyone once we've provided it to the subcommittee?

----- Forwarded by Bryan Whitener/EAC/GOV on 03/09/2007 02:29 PM -----

"Dan Seligson"
[redacted]
03/09/2007 02:26 PM

To "Bryan Whitener" <bwhitener@eac.gov>
cc
Subject info request re: House Appropriations subcommittee hearing

Bryan -
As I mentioned on the phone, I am seeking information as a follow up to the House Appropriations Subcommittee on Financial Services. At the hearing, Rep. Maurice Hinchey, D-N.Y., requested that the EAC submit the original version of a report written by Tova Wang and Job Serebrov. Chairwoman Davidson said she would provide the original report (I believe) within three days. Is that still the case? Will the subcommittee have the original report, as submitted by the consultants, on Monday? And if so, may we have a copy as well?

Thanks,
Dan

Daniel Seligson
editor
[redacted]g
[redacted]00
Washington, DC 20004
[redacted]

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 04:22 PM -----

Margaret Sims/EAC/GOV
03/13/2007 02:31 PM

To Jeannie Layson/EAC/GOV

cc ddavidson@eac.gov, jthompson@eac.gov, twilkey@eac.gov
Subject Re: Voter ID, Fraud & Intimidation--Need your input

Looks fine to me. Of course, she is probably referring to our decision not to release the consultants' draft final report. --- Peggy

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
03/13/2007 02:25 PM

To jthompson@eac.gov, twilkey@eac.gov, psims@eac.gov, ddavidson@eac.gov
cc
Subject Voter ID, Fraud & Intimidation--Need your input

Hello all,
A columnist from the WaPo has asked for info about both the voter ID and the fraud and intimidation reports. This was prompted by the accusation that the president was concerned that the fired prosecutors were not aggressively pursuing voter fraud cases. She had heard that we were refusing to release this information, so I am trying to demonstrate otherwise, as well as show that we have discussed these projects numerous times in public meetings. Please take a look at my draft email to her and let me know if you have any suggestions. She needs to hear back from me by 4 p.m. Thanks for your help with this.

Ms. Cocco,
Per your questions, go here to view the testimony regarding voter ID from our Feb. 2 public meeting. As I mentioned, at this meeting EAC Chair Donetta Davidson requested that staff review the initial research provided by Eagleton and produce a final report, which would include recommendations for further study on this subject. Currently, staff is working to finalize the voter ID report.

Regarding the voter fraud and intimidation research, at a May 2006 public meeting of our Standards Board and Board of Advisors, the EAC project manager for this research presented a staff update on the project. Go here to view the agenda, page 3. The document you referred to was the update the project manager gave at this public meeting, and it has been made available to anyone who asked for it. The final culimation of this project can be found here, and links to the attachments provided by the consultants are available by going to page 24 of this report. The commissioners adopted this report at a public meeting in Dec. 2006.

As a small agency of 23 employees, including the four commissioners, it is necessary for the agency to contract with consultants to gather the initial data for these projects. After EAC receives the initial data, the agency reviews the data for accuracy and then releases a final report.

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

04/03/2007 06:22 PM

cc jthompson@eac.gov, klynndyson@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: Please review my responses

Julie has already raised the point that most concerned me: I don't think it is accurate to say the consultant's recommendations were their findings. The recommendations were a combination of consultant recommendations and working group recommendations for future EAC action. We did not ask the consultants to provide "findings" because this research was never supposed to be the definitive study on the subject. Instead, it was supposed to be an initial effort to see what relevant information is available, to define voting fraud and voter intimidation, and to make recommendations to EAC regarding how to pursue the subject (next steps). --- Peggy

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/03/2007 05:33 PM

To psims@eac.gov, jthompson@eac.gov, klynndyson@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC
cc
Subject Please review my responses

This are questions from a "freelance" reporter who is very hot about the "Tova Wang report." Please let me know if my answers are accurate, and I welcome any suggestions you may have. I need to get your input by COB tomorrow. I am also looking for more clarification on what didn't make it into the fraud report. She is asking if we included all of their "findings" and their "research."

Thanks.

1) You said that the Wang/Serebrov report has not been released because it was predecisional. Was the Moritz/Eagleton report released because it was not predecisional? The Moritz/Eagleton report was a predecisional document. The commissioners took an action not to adopt a final report based upon the Moritz/Eagleton report, but to release all the predecisional information (the draft report).

2) I understood you to say that the December EAC report includes all of the Wang/Serebrov recommendations but not all of the Wang/Serebrov findings. Is that correct? The report does include all of their recommendations, which were their findings, and all of the research they conducted.

3) I understood you to say that EAC staff added results of their own research to the December EAC report. Is that correct? What I said was EAC staff reviewed the report for accuracy, for grammar and added language that reflected the commission's decision to adopt the final version based upon the initial research provided by the consultants.

4) If I'm correct on questions 2 and 3, would it be accurate to say that

readers of the December report cannot tell how much of that report does and does not reflect the original Wang/Serebrov findings? The consultants' recommendations are their findings. All of the recommendations are included in the final report, so readers can make the determination regarding the recommendations.

5) I called earlier today requesting the Wang/Serebrov report, and you sent me the December EAC report. I am concerned that if I had not already been researching this closely, I would have thought that you'd sent me the Wang/Serebrov report and would have reported incorrectly that you had. Does the EAC have any comment on this manner of reponding to press inquiries? (I contacted you to request the report after I read in the Statesman Journal of Salem, Oregon, an article by Marie Cocco that says: "The bipartisan commission didn't widely release the consultants' review, but makes it available on request." Did the EAC indeed give Ms. Cocco a copy of the "consultants' review"? Or has she misunderstood you in the way I'm concerned about?)I sent you a link to the "EAC report" because it is what was adopted by the commission based upon the research conducted by the consultants. The final report clearly states how it was compiled and includes bios for both of the consultants. Regarding Ms. Cocco, I explained the entire process to her. I provided the staff update on the project which was presented at a public meeting in May 2006 and the final report, which is posted on the EAC website. Regarding "this manner of responding to press inquiries," I have forwarded your comments to my supervisor so he can review my performance regarding the handling of your inquiry.

6) I understood you to say that the EAC did not release the Wang/Serebrov report in its original form because the EAC has to do due diligence and its staff is small. Do I understand you correctly? As a small agency of 23 employees, including the four commissioners, it is necessary for the agency to contract with consultants to gather the initial data for research projects. After EAC receives the initial data, the agency reviews the data for accuracy. What form of due diligence does the EAC's staff routinely conduct on research that is contracted out to experts before that research is released? You mentioned "vetting" the research. What does that vetting entail? It depends on the project. For instance, if it is information directly related to a mandate within the Help America Vote Act (HAVA), staff will make sure that the information is consistent with the law. In addition, we often ask for input from our Standards Board and Board of Advisors, which combined consist of more than 147 members. If we are using research that will eventually become guidance, we are required by HAVA to seek the input of these boards. Go here for more information about these boards and its members. If the board members have feedback, then we must make the determination whether to incorporate it, and, if so, how to incorporate their changes. If the research is focused on election laws throughout the country, we make sure the laws are cited correctly and that state legislatures haven't changed or amended these laws since the research was conducted. (As you probably know, there have been many new election laws introduced at the state level since 2004.) Throughtout the process, we review for grammar as well as make sure the document flows and is arranged logically -- the basic tenets of editing.

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 04:22 PM -----

Margaret Sims/EAC/GOV
04/13/2007 05:08 PM

To Edgardo Cortes/EAC/GOV
cc
Subject Re: Working group meeting transcript

Most of the working files for this project are in a red folder sitting on my window sill; but I have some individual files in manila folders for Job and Tova propped upright on my desk next to the computer. Isn't this something that can wait until Monday? --- Peggy

Edgardo Cortes/EAC/GOV

Edgardo Cortes/EAC/GOV
04/13/2007 04:42 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Working group meeting transcript

Where are your working files maintained?
Margaret Sims
----- Original Message -----

From: Margaret Sims
Sent: 04/13/2007 04:27 PM EDT
To: Edgardo Cortes
Subject: Re: Working group meeting transcript

I don't maintain "official" contract files, just working copies (and I am missing a copy of one of Tova's contracts). The official files should be with the other official EAC contract files. There were 4 personal services contracts between Tova and Job. --- Peggy

Edgardo Cortes/EAC/GOV

Edgardo Cortes/EAC/GOV
04/13/2007 02:06 PM

To Margaret Sims/EAC/GOV
cc Gavin S. Gilmour/EAC/GOV@EAC
Subject Re: Working group meeting transcript

Peggy,
They are also requesting copies of the signed contracts. Where are your official contract files for that contract? Let me know where they are and I will pull them to give Gavin the copies so he can review for releasability. Thanks!

Edgardo Cortés
Election Research Specialist

U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov
Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV
04/13/2007 01:04 PM

To Edgardo Cortes/EAC/GOV@EAC
cc Gavin S. Gilmour/EAC/GOV@EAC
Subject Re: Working group meeting transcript

There is only one transcript. In addition to the electronic copy, I have a hard copy in the file. Job Serebrov submitted one correction related to the information reported on his background, not the study. Otherwise, the transcript has NOT been reviewed for accuracy and we have not released copies to anyone but our consultants. --- Peggy

Edgardo Cortes/EAC/GOV

Edgardo Cortes/EAC/GOV
04/13/2007 12:25 PM

To Margaret Sims/EAC/GOV
cc Gavin S. Gilmour/EAC/GOV
Subject Working group meeting transcript

Peggy,
Is the transcript contained in T:\RESEARCH IN PROGRESS\VOTING FRAUD-VOTER INTIMIDATION\Working Group the only transcript that exists for that working group? Did you ever review it for accuracy? Has it been released to anyone previously? We've had a request from Todd Rokita's office for a copy and I want to be sure we are sending the correct file. Please let us know as soon as possible. Thanks!

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
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Washington, DC 20005
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ecortes@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 04:21 PM -----

believe you can find it at the following link:

[attachment "20070411voters_draft_report.url" deleted by Gavin S. Gilmour/EAC/GOV]

I will need to get back with you regarding the Contract Employees scope of work.

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 04:21 PM -----

Margaret Sims/EAC/GOV
04/17/2007 01:27 PM

To Jeannie Layson/EAC/GOV
cc Juliet E. Hodgkins/EAC/GOV@EAC
Subject Re: Vote fraud report

As far as I know, you are absolutely correct! Julie did the bulk of the rewrite and used my analyses of the preliminary info submitted by our contractors. I know that I had no contact with the administration regarding this study. --- Peggy

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/17/2007 01:16 PM

To psims@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC, jthompson@eac.gov
cc
Subject Vote fraud report

The St. Louis Post Dispatch wrote an editorial that said the administration edited our report. I am almost absolutely sure that is not true, but I wanted to confirm that with you before I request a correction. Thanks.

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 04:21 PM -----

Margaret Sims/EAC/GOV
04/17/2007 03:18 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Re: Need emails

Julie:
The attached appears to be the Job Serebrov email, a portion of which was quoted in the NY Times. He was responding to my email advising him that recent press reports were referring to the status report on the vote fraud-voter intimidation project, and that we had not released the final report. (A copy of my email is attached.) There are no follow-up emails on this topic. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2007 03:07 PM -----

"Job Serebrov"
[redacted]>
10/13/2006 03:26 PM

To psims@eac.gov, wang@tcf.org
cc
Subject Re: Don't Believe Everything You Read

Peg:

We saw both the USA Today article and a similar thing was reported on Rush Limbaugh's show naming both of us. I had a talk this morning with folks at the EAC. I told them at this point there needs to be a press release sent out by the Chairman saying just what you stated. This is the only way to rehabilitate the work we did, the Chairman's credibility, and our reputations. I also fear that if this is not done the EAC will begin to receive calls from Congressman and Senators regarding the "report" and its effect on voter ID requirements.

Peg, up to now Tova and I have refused to speak with the press at all out of respect for the EAC and its mission. We both stand by our work and its conclusions. We both also feel that if a statement (as well phrased as you did in this e-mail clarifying the issue) is not forthcoming from the Chairman then I will have to correct this error with the Press. I explained this in my conversation this morning with the EAC.

Tova and I worked hard to produce a correct, accurate and truthful report. I could care less that the results are not what the more conservative members of my Party wanted. Neither one of us

was willing to conform results for political expediency. I think its important for me to note that I was very impressed with Tova's members of the Working Group and I can't say enough about Tova's partnership effort in this endeavor. While neither one of us really care about outside opinions, we do care that the Chairman was quoted or misquoted in a way that would disparage our year-long effort and all of the tax payer money that went into it. For this reason, we believe that a press release clarifying the situation is necessary from either the Chairman or from me.

Regards,

Job

psims@eac.gov wrote:

Tova and Job:

I am home recuperating, but see that in my absence, a USA Today article has gotten everyone stirred up. The report to which the article refers is only the status report on the voting fraud-voter intimidation research project that was delivered to our Standards Board and Board of Advisors last spring. I provided a copy of this document to both of you. but have attached another copy for your information. This document is subject to public release because it was presented at a pubic meeting.

Due to internal resource allocation problems, your final report has not yet been reviewed by the Commissioners. It is considered a working document (not subject to public release) until it has completed the review process and the Commissioners have agreed to release it. There has been no attempt by the Commission to hold up the report. I bear responsibility for any delays in moving it along. Please be reassured that we would not release your report without letting you know.

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

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
04/17/2007 02:58 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Need emails

Peggy,

Can you pull out the emails between you and Job that were quoted in the NYT? I need anything that has to do with the subject that was referred to in the quoted email as well as any follow up to that email. We

need it to be able to respond to the letter from Sen. Feinstein, and I figured you could identify those easier than me searching through the reams of paper in Jeannie's office.

Juliet T. 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 04:21 PM -----

Margaret Sims/EAC/GOV
04/18/2007 05:40 PM

To Jeannie Layson/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: Need your help ASAP

Jeannie:

I did not receive your request in time to type responses on my blackberry by 2 PM, given the information needed. Here are the answers to your questions:

1. Why did we only contact DOJ officials regarding the accuracy of their interviews?

As far as I know, we didn't. contact DOJ officials about this except in response to concerns they had previously expressed to us. Also, I don't believe we ever allowed DOJ to edit the summaries. (I certainly didn't.) I believe the consultants and I discussed the idea of having all the interviewees review their respective interview summaries, but the consultants objected to the idea and there were concerns that the all of the money remaining available was needed to complete the final report.

Craig Donsanto, Election Crimes Branch, saw the summary of his interview among the documents provided to the Working Group (prior to the meeting of that group), and pointed out an important factual error. The summary, as originally written, portrayed DOJ as switching from the prosecution of conspiracies to the prosecution of individuals. I was present at this interview and this was not what Craig had said, nor is it supported by the information available on the election crimes pursued by that branch. DOJ continues to pursue conspiracies and, in addition, has begun to pursue individuals (specifically, double voting, felon voting and alien voting) in an effort to deter others from election crime.

To my knowledge, John Tanner, Voting Section, Civil Rights Division, had not seen the consultants' full summary of his interview; but he expressed concern to Tova Wang and EAC about the consultants' characterization of the interviews with Donsanto and him that had been included in the May 2006 status report. This report was provided to the members of the EAC Standards and Advisory Boards. Per HAVA requirements, the Voting Section is represented on the Advisory Board. Tanner pointed to the following errors:

- First, the consultants stated that DOJ was not pursuing voter suppression cases. Tanner responded that "[t]he Department has brought two 11(b) cases, one of the two in this Administration. The focus of DOJ activity has shifted, in fact, to voter suppression as there are fewer cases over voter dilution (challenges to at-large election systems, etc.) being brought by anyone as the number of jurisdictions with at-large election systems has shrunk dramatically.This Administration has, in fact, brought far more voter-suppression cases ... than ever in the past, including a majority of all cases under Sections 203 and 208 of the Act, and such key recent Section 2 cases as US v. City of Boston and US

v. Long County, Georgia."

- Second, the consultants implied that DOJ is not pursuing instances of unequal implementation of ID rules. Tanner's response was that "[c]hallenges based on race and unequal implementation of ID rules are indeed actionable and we have brought lawsuits, such as in Boston and Long County; we have not identified instances of such discrimination in which we have not taken action."

Tanner also pointed to the consultants' refusal during the interview to define what they meant by "voter intimidation", which Tanner suspected did not jibe with the meaning of the term in federal prosecutions and probably contributed to misunderstandings. (Federal voter intimidation prosecutions require the threat of economic or physical harm.)

By the way, both of these officials are career attorneys, not political appointees. They have years of service at DOJ, working under a number of different administrations.

2. Exactly what did we change and why?

In the case of the Donsanto interview summary, I spoke with our consultants and asked them to make the correction. At first, they both refused. Later, they revised the summary to be a little less blatant, but the implication that there had been a complete change in approach remained. We revised the summary to clearly indicate that prosecution of conspiracies continues. The revised paragraph is on page 4 of the published summary. We also added an intro paragraph similar to other interview summaries submitted by the consultants to summarize the enforcement authority of the Election Crimes Branch and to distinguish it from the Voting Section, Civil Rights Division.

In the case of the actual John Tanner interview summary, we added an intro paragraph similar to other interview summaries submitted by the consultants to summarize the enforcement authority of the Voting Section and to distinguish it from the Election Crimes Branch. We also moved the consultants' note about the refusal to share certain internal working papers to the end of the summary because it seemed to distract from the main interview points if left as an introduction.

Making the distinction between the Election Crimes Branch and the Voting Section is important. The Voting Section brings cases involving "systemic" discrimination because federal voting statutes focus on discriminatory action by local governments. It is criminal statutes that involve malfeasance by individuals and that are enforced by the Election Crimes Branch through Us Attorneys' offices. The difference is key to understanding federal election law enforcement.

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

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/18/2007 12:17 PM

To psims@eac.gov
cc Juliet E. Hodgkins/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subject Need your help ASAP

Peg,
If possible, I need answers for these questions in reference to the vote fraud/voter intimidation project by 2 p.m. today for an inquiry for Congressional Quarterly:

1. Why did we only contact DOJ officials regarding the accuracy of their interviews?
2. Exactly what did we change and why?

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 04:21 PM -----

Margaret Sims/EAC/GOV
04/19/2007 08:53 AM

To Jeannie Layson/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC
Subject Correction to Cost of Vote Fraud Contracts

FYI - I noticed that some newsclips are saying we spent $100,000 on the Voting Fraud-Voter Intimidation project. Each of the consultants had two contracts totaling almost $75,000 (not including funds set aside for related travel), so the total between them would have been closer to $150,000. If anyone needs to know the added travel costs, Wang spent about $4,500 and Serebrov $1,200 over the course of the 2 contracts.

Peggy Sims
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U.S. Election Assistance Commission
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Washington, DC 20005
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Fax: 202-566-3127
email: psims@eac.gov

Margaret Sims/EAC/GOV
04/24/2007 03:57 PM

To eaccon@eac.gov
cc
bcc
Subject Voter Fraud Project Emails

Here are most of he emails from my active email files. A few did not hold the check mark, so I will send them separately. I'm trying to work out the best way to hand off copies of the emails from my archived files.

Peggy Sims
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Washington, DC 20005
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Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:52 PM -----

"Tova Wang"
[redacted]
08/21/2006 12:16 PM

To psims@eac.gov
cc
Subject call

Hi Peg, I left you a voice message last week -- you might have been at NCSL. Anyway, would you give me a call when you have a moment? Thanks.

Tova Andrea Wang, Democracy Fellow
The Century Foundation
[redacted]

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

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:52 PM -----

Juliet E. Hodgkins/EAC/GOV
11/03/2006 06:42 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Job and Tova

I spoke to Job about the documents that I need. He will send me his summary of the articles/books that he read. However, he said that Tova also summarized some of those articles/books. I don't have a contact number/email for Tova. Could you contact her and ask her to provide us with any summary of the articles/books that she read as they are listed in Appendix 2?

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 02:52 PM -----

Margaret Sims/EAC/GOV
11/03/2006 07:11 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Re: Job and Tova

Julie:

All of the summaries received are in the shared drawer under T:\RESEARCH IN PROGRESS\VOTING FRAUD-VOTER INTIMIDATION\Research Summaries. There are too many of them to append to this message, or I would do it. The researchers did not propose to include these summaries in the report. Are you considering adding them?

If you want, I can cross reference each of these with the list of articles and ID any missing summaries. I could do that over the weekend. --- Peggy

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
11/03/2006 05:42 PM

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

Juliet E. Hodgkins/EAC/GOV
11/03/2006 07:14 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Job and Tova

I think we should use the content of those articles or some summary of them as a background of what we know about VF and VI. I just didn't want to have to read all of those articles to be able to make some generalized statements about their contents.

Sent from my BlackBerry Wireless Handheld

Margaret Sims

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

From: Margaret Sims
Sent: 11/03/2006 06:11 PM
To: Juliet Hodgkins
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Juliet E. Hodgkins/EAC/GOV
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(202) 566-3100

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

Juliet E. Hodgkins/EAC/GOV
11/03/2006 07:41 PM

To Margaret Sims/EAC/GOV@EAC
cc

Subject Re: Job and Tova

I appreciate it. I will send you a copy of the outline that I am working from. It is somewhat subject to change as I am still trying to gel in my mind what goes first, second ....

Sent from my BlackBerry Wireless Handheld

Margaret Sims

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

From: Margaret Sims
Sent: 11/03/2006 06:38 PM
To: Juliet Hodgkins
Subject: Re: Job and Tova

I can review them over the weekend and attempt to summarize what they tell us.--- Peggy

---

Sent from my BlackBerry Wireless Handheld

Juliet E. Hodgkins

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

From: Juliet E. Hodgkins
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To: Margaret Sims
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11/03/2006 05:42 PM

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

Margaret Sims/EAC/GOV
11/06/2006 11:07 AM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Re: VF_VI Literature Review

Julie:
I have not received the outline, but went ahead with reviewing the literature researched. Attached are my perspectives on what we learned and a listing of the literature with portions of the analysis for each. Both of these documents are on the shared drive under T:\RESEARCH IN PROGRESS\VOTING FRAUD-VOTER INTIMIDATION\Research Summaries. Hope these help. Let me know what else you need from me. --- Peggy

EAC-Learned from Lit Review 11-6-06.doc EAC Lit Review Notes 11-5-06.doc

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
11/03/2006 06:41 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Job and Tova

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

Juliet E. Hodgkins/EAC/GOV
11/06/2006 11:50 AM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: VF_VI Literature Review

sorry, about that. Here's the outline...

I. BACKGROUND/INTRODUCTION

A. WHAT WE KNOW ABOUT FRAUD
B. PURPOSE OF THE EAC STUDY
C. METHODOLOGY OF THE EAC STUDY

II. DEFINITION OF ELECTION CRIMES
A. VOTER FRAUD IS TOO LIMITED
B. COLLOQUIAL DEFINITION IS TOO BROAD
C. ELECTION CRIMES
D. WHAT IS NOT AN ELECTION CRIME FOR PURPOSES OF THIS STUDY

III. RECOMMENDATIONS ON HOW TO STUDY ELECTION CRIMES
A. ACCEPTED RECOMMENDATIONS
i. SURVEY LAW ENFORCEMENT, INVESTIGATORY AGENCIES, AND PROSECUTORS
ii. REVIEW AMINISTRATIVE COMPLAINTS FILED WITH STATES
iii. REVIEW DOJ/USA ACTIONS
B. REJECTED RECOMMENDATIONS
i. REASONS WHY REJECTED

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
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Sent from my BlackBerry Wireless Handheld
Juliet E. Hodgkins
----- Original Message -----

From: Juliet E. Hodgkins
Sent: 11/03/2006 06:14 PM
To: Margaret Sims
Subject: Re: Job and Tova

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11/03/2006 05:42 PM

To Margaret Sims/EAC/GOV@EAC
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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
11/06/2006 12:21 PM

To Juliet E. Hodgkins/EAC/GOV
cc

Subject Re: VF_VI Literature Review

Is this an outline of an EAC staff report to accompany the consultants' report, or has there been a decision not to publish the consultants' report at all? (Just curious, as I have been a little out of the loop.) --- Peg
----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Juliet E. Hodgkins/EAC/GOV
11/06/2006 12:30 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: VF_VI Literature Review

The consultant's report is a draft of an EAC report. We will take the consultant's report and finalize it into OUR report.
Juliet Thompson Hodgkins
General Counsel
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1225 New York Ave., NW, Ste 1100
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Margaret Sims/EAC/GOV

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11/06/2006 12:21 PM

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11/06/2006 05:18 PM

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Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV
11/06/2006 11:07 AM

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EAC-Learned from Lit Review 11-6-06.doc EAC Lit Review Notes 11-5-06.doc

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
11/03/2006 06:41 PM

To Margaret Sims/EAC/GOV@EAC
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Margaret Sims/EAC/GOV
11/06/2006 06:36 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Re: VF_VI Literature Review

Julie:

Happy to help, especially as I have to assume the blame for the report turned in by the consultants. I think you were aware that I was disappointed that it was not a more professional product. As I was not clear what the Commission's position is on editing such reports after receipt of the final, and as the consultants insisted that their work not be changed, I felt a bit stymied. Let me know what else I can do.

In the meantime, I'm revisiting some drafts received on the Vote Count-Recount best practices to see if I can encourage more improvements before submission of the final. We're still waiting for the state-by-state summary of practices, originally delayed by the subcontractor's nonperformance, which could affect goes into the best practices. I think some of the emphasis I see in the drafts on post election audits and proper recordkeeping will help respond to some of the issues raised in the literature review for the voting fraud-voter intimidation study.

--- Peggy

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11/06/2006 05:18 PM

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11/06/2006 11:07 AM

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

Karen Lynn-Dyson/EAC/GOV
11/07/2006 07:05 AM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc Margaret Sims/EAC/GOV@EAC
Subject Fw: please investigate

Hi-

Is this the kind of thing I should be passing on to you or Gavin?

Subject VF and VI study

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

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

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

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

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Juliet E. Hodgkins/EAC/GOV

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

To Margaret Sims/EAC/GOV@EAC
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11/07/2006 09:47 AM

To Margaret Sims/EAC/GOV@EAC
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consultants.

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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

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 tern "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 tears.) 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

DOJ-TannerComments-TWInteviewSummary.doc

Juliet E. Hodgkins/EAC/GOV

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11/07/2006 09:47 AM

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