

information collection. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

DATES: Written comments must be submitted on or before March 9, 2007.

ADDRESSES: Submit comments and recommendations on the proposed information collection in writing to the U.S. Election Assistance Commission, 1225 New York Avenue, NW., Suite 1100, Washington, DC 20005, ATTN: Ms. Laiza N. Otero (or via the Internet at lotero@eac.gov).

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the survey, please write to the above address or call Ms. Laiza N. Otero at (202) 566-3100. You may also view the proposed collection instrument by visiting our Web site at <http://www.eac.gov>.

SUPPLEMENTARY INFORMATION:

Title: Study of Alternative Voting Methods.

OMB Number: Pending.

Type of Review: Regular submission.

Needs and Uses: Section 241 of the Help America Vote Act (HAVA) requires the U.S. Election Assistance Commission (EAC) to periodically study election administration issues with the goal of promoting voting methods and improving election administration. Section 241(b)(10) instructs the EAC to study the feasibility and advisability of conducting elections for Federal office on different days, at different places, and during different hours. In addition, it recommends the study include a discussion of the advisability of establishing a uniform poll closing time and establishing:

(A) A legal public holiday under section 6103 of title 5 United States Code, as the date on which general elections for Federal office are held;

(B) The Tuesday after the 1st Monday in November, in every even numbered

year, as a legal public holiday under such section;

(C) A date other than the Tuesday next after the 1st Monday in November, in every even numbered year as the date on which general elections for Federal office are held; and

(D) Any date described in subparagraph (C) as a legal public holiday under such section.

To provide information to the States and the Congress on the feasibility and advisability of using alternative days, times, and places to conduct Federal elections, the EAC seeks to survey voters to better understand their motivations and perceptions of impediments to voting. The survey will provide insights into the public's perceptions of particular aspects of the voting process.

Affected Public: Citizens.

Number of Respondents: 3,000.

Responses per Respondent: 1.

Estimated Burden per Response: .25 hours.

Estimated Total Annual Burden Hours: 750 hours.

Frequency: One time collection.

Information will be collected through a statistically valid survey of 3,000 registered voters to determine how they currently respond to alternative voting methods (if in a State that offers them) or would respond to alternative voting methods (if in a State that does not allow them). The survey will be representative of the 50 States, the District of Columbia, and U.S. territories. The topics that will be explored include, but are not limited to:

- a. Voting by mail
- b. Voting at a consolidated polling center
- c. Voting online
- d. Voting earlier/later on Election Day
- e. Voting on weekend day
- f. Voting on day other than first Tuesday in November
- g. Making the day on which Federal elections are held a Federal holiday
- h. No alternative voting method, prefer status quo

The survey will gather data regarding each respondent's background. Background information will include, but is not limited to, (1) Respondents' voter registration history, (2) respondents' voting history, and (3) standard demographic questions covering (age, ethnicity, education, employment status, and income bracket).

Thomas R. Wilkey,

Executive Director, U.S. Election Assistance Commission.

[FR Doc. 07-27 Filed 1-8-07; 8:45 am]

BILLING CODE 6820-KF-M

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River Site

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Monday, January 22, 2007, 1 p.m.-5 p.m.; Tuesday, January 23, 2007, 8:30 a.m.-4 p.m.

ADDRESSES: Crowne Plaza, 130 Shipyard Dr., Hilton Head, SC 29928.

FOR FURTHER INFORMATION CONTACT: Gerri Flemming, Closure Project Office, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, SC 29802; Phone: (803) 952-7886.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

Monday, January 22, 2007

1 p.m. Combined Committee Session
5 p.m. Adjourn

Tuesday, January 23, 2007

8:30 a.m. Approval of Minutes, Agency Updates
9:45 a.m. Public Comment Session
10 a.m. Chair and Facilitator Update
10:45 a.m. Strategic & Legacy Management Committee Report
11:45 a.m. Public Comment Session
12 p.m. Lunch Break
1 p.m. Nuclear Materials Committee Report
1:30 p.m. Waste Management Committee Report
2 p.m. Public Comment Session
2:15 p.m. Facility Disposition & Site Remediation Committee Report
3 p.m. Administrative Committee Report
4 p.m. Adjourn

If needed, time will be allotted after public comments for items added to the agenda and administrative details. A final agenda will be available at the meeting Monday, January 22, 2007.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements

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SEC. 241. <<NOTE: 42 USC 15381.>> PERIODIC STUDIES OF ELECTION
ADMINISTRATION ISSUES.

(a) <<NOTE: Public information.>> In General.--On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections which--

(1) will be the most convenient, accessible, and easy to use

for voters, including members of the uniformed services and overseas voters, individuals with disabilities, including the blind and visually impaired, and voters with limited

proficiency in the English language;

(2) will yield the most accurate, secure, and expeditious system for voting and tabulating election results;

(3) will be nondiscriminatory and afford each registered and

eligible voter an equal opportunity to vote and to have that vote counted; and

(4) will be efficient and cost-effective for use.

(b) Election Administration Issues Described.--For purposes of subsection (a), the election administration issues described in this subsection are as follows:

(1) Methods and mechanisms of election technology and voting

systems used in voting and counting votes in elections for Federal office, including the over-vote and under-vote notification capabilities of such technology and systems.

(2) Ballot designs for elections for Federal office.

(3) Methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment

list

of a centralized, interactive, statewide voter registration

linked to relevant agencies and all polling sites), and ensuring

that registered voters appear on the voter registration list at the appropriate polling site.

(4) Methods of conducting provisional voting.

(5) Methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including individuals with disabilities (including the blind and visually impaired), Native American or Alaska Native citizens, and voters with limited proficiency in the English language.

(6) Nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office.

(7) Identifying, deterring, and investigating methods of voter intimidation.

(8) Methods of recruiting, training, and improving the performance of poll workers.

(9) Methods of educating voters about the process of registering to vote and voting, the operation of voting

mechanisms, the location of polling places, and all other aspects of participating in elections.

(10) The feasibility and advisability of conducting elections for Federal office on different days, at different places, and

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during different hours, including the advisability of establishing a uniform poll closing time and establishing--

(A) a legal public holiday under section 6103 of title 5, United States Code, as the date on which general elections for Federal office are held;

(B) the Tuesday next after the 1st Monday in November, in every even numbered year, as a legal

public

holiday under such section;

(C) a date other than the Tuesday next after the

1st

Monday in November, in every even numbered year as the date on which general elections for Federal office are held; and

(D) any date described in subparagraph (C) as a legal public holiday under such section.

(11) Federal and State laws governing the eligibility of persons to vote.

(12) Ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.

(13) (A) The laws and procedures used by each State that govern--

(i) recounts of ballots cast in elections for Federal office;

(ii) contests of determinations regarding whether votes are counted in such elections; and

(iii) standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office.

(B) The best practices (as identified by the Commission) that are used by States with respect to the recounts and contests described in clause (i).

(C) Whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office.

(14) The technical feasibility of providing voting materials

in eight or more languages for voters who speak those languages and who have limited English proficiency.

(15) Matters particularly relevant to voting and administering elections in rural and urban areas.

(16) Methods of voter registration for members of the uniformed services and overseas voters, and methods of ensuring that such voters receive timely ballots that will be properly and expeditiously handled and counted.

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(17) The best methods for establishing voting system performance benchmarks, expressed as a percentage of residual vote in the Federal contest at the top of the ballot.

(18) Broadcasting practices that may result in the broadcast

of false information concerning the location or time of operation of a polling place.

(19) Such other matters as the Commission determines are appropriate.

(c) Reports.--The Commission shall submit to the President and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on each study conducted under subsection (a) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

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Summary of Public Comments Received on the Information Collection Materials for Study of Alternative Voting Methods; OMB Number Pending

Public Comment Summary:

The Study for Alternative Voting Methods received one comment regarding the Information Collection Materials. Overall, the comment demonstrated a support for the objectives of this study. Specifically, the comment indicated support for a key issue that will be examined in this study, namely, making the day on which Federal elections are held a Federal holiday. Providing several justifications for making Election Day a Federal holiday, the comment concluded that the benefits outweigh any drawbacks. There were no suggestions for changes to the study.

Action Taken:

No action is necessary.

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: **Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request Election Assistance Commission	2. OMB control number b. <input checked="" type="checkbox"/> None a. _____
3. Type of information collection (check one) a. <input checked="" type="checkbox"/> New collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension, without change, of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number	4. Type of review requested (check one) a. <input checked="" type="checkbox"/> Regular b. <input type="checkbox"/> Emergency - Approval requested by: ____/____/____ c. <input type="checkbox"/> Delegated
3a. Public Comments Has the agency received public comments on this information collection? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6. Requested expiration date a. <input checked="" type="checkbox"/> Three years from approval date <input type="checkbox"/> Other Specify: ____/____/____	
7. Title Alternative Voting Methods Study	
8. Agency form number(s) (if applicable)	
9. Keywords Elections, Holidays, Voting Rights	
10. Abstract The Help America Vote Act requires the EAC to study election administration issues and the use of alternative days, times, and places to conduct Federal elections. The study will conduct a public opinion survey of U.S. citizens and will be representative of the entire U.S. Using this information, the EAC shall submit a report on administrative and legislative action to the President and Congress.	
11. Affected public (Mark primary with "P" and all others that apply with "X") a. <u>P</u> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (Mark primary with "P" and all others that apply with "X") a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual reporting and recordkeeping hour burden a. Number of respondents <u>3000</u> b. Total annual responses <u>3000</u> 1. Percentage of these responses collected electronically <u>0</u> % c. Total annual hours requested <u>750</u> d. Current OMB inventory <u>0</u> e. Difference <u>750</u> f. Explanation of difference 1. Program change <u>0</u> 2. Adjustment <u>1250</u>	14. Annual reporting and recordkeeping cost burden (in thousands of dollars) a. Total annualized capital/startup costs <u>0</u> b. Total annual costs (O&M) <u>0</u> c. Total annualized cost requested <u>0</u> d. Current OMB inventory <u>0</u> e. Difference <u>0</u> f. Explanation of difference 1. Program change <u>0</u> 2. Adjustment <u>0</u>
15. Purpose of information collection (Mark primary with "P" and all others that apply with "X") a. <input type="checkbox"/> Application for benefits e. <input checked="" type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input checked="" type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input checked="" type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (check all that apply) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input checked="" type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input checked="" type="checkbox"/> Other (describe) <u>Once</u>
17. Statistical methods Does this information collection employ statistical methods? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency contact (person who can best answer questions regarding the content of this submission) Name: <u>Laiza N. Otero</u> Phone: <u>(202) 566-2209</u>

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

Note: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, or mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of the instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Instructions For Completing OMB Form 83-I

Please answer all questions and have the Senior Official or designee sign the form. These instructions should be used in conjunction with 5 CFR 1320, which provides information on coverage, definitions, and other matters of procedure and interpretation under the Paperwork Reduction Act of 1995.

1. Agency/Subagency originating request

Provide the name of the agency or subagency originating the request. For most cabinet-level agencies, a subagency designation is also necessary. For non-cabinet agencies, the subagency designation is generally unnecessary.

2. OMB control number

- If the information collection in this request has previously received or now has an OMB control or comment number, enter the number.
- Check "None" if the information collection in this request has not previously received an OMB control number. Enter the four digit agency code for your agency.

3. Type of information collection (check one)

- Check "New collection" when the collection has not previously been used or sponsored by the agency.
- Check "Revision" when the collection is currently approved by OMB, and the agency request includes a material change to the collection instrument, instructions, its frequency of collection, or the use to which the information is to be put.
- Check "Extension" when the collection is currently approved by OMB, and the agency wishes only to extend the approval past the current expiration date without making any material change in the collection instrument, instructions, frequency of collection, or the use to which the information is to be put.
- Check "Reinstatement without change" when the collection previously had OMB approval, but the approval has expired or was withdrawn before this submission was made, and there is no change to the collection.
- Check "Reinstatement with change" when the collection previously had OMB approval, but the approval has expired or was withdrawn before this submission was made, and there is change to the collection.
- Check "Existing collection in use without OMB control number" when the collection is currently in use but does not have a currently valid OMB control number.

4. Type of review requested (check one)

- Check "Regular" when the collection is submitted under 5 CFR 1320.10, 1320.11, or 1320.12 with a standard 60 day review schedule.
- Check "Emergency" when the agency is submitting the request under 5 CFR 1320.13 for emergency processing and provides the required supporting material. Provide the date by which the agency requests approval.
- Check "Delegated" when the agency is submitting the collection under the conditions OMB has granted the agency delegated authority.

5. Small entities

Indicate whether this information collection will have a significant impact on a substantial number of small entities. A small entity may be (1) a small business which is deemed to be one that is independently owned and operated and that is not dominant in its field of operation; (2) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field; or (3) a small government jurisdiction which is a government of a city, county, town, township, school district, or special district with a population of less than 50,000.

6. Requested expiration date

- Check "Three years" if the agency requests a three year approval for the collection.
- Check "Other" if the agency requests approval for less than three years. Specify the month and year of the requested expiration date.

7. Title

Provide the official title of the information collection. If an official title does not exist, provide a description which will distinguish this collection from others.

8. Agency form number(s) (if applicable)

Provide any form number the agency has assigned to this collection of information. Separate each form number with a comma.

9. Keywords

Select and list at least two keywords (descriptors) from the "Federal Register Thesaurus of Indexing Terms" that describe the subject area(s) of the information collection. Other terms may be used but should be listed after those selected from the thesaurus. Separate keywords with commas. Keywords should not exceed two lines of text.

10. Abstract

Provide a statement, limited to five lines of text, covering the agency's need for the information, uses to which it will be put, and a brief description of the respondents.

11. Affected public

Mark all categories that apply, denoting the primary public with a "P" and all others that apply with "X."

12. Obligation to respond

Mark all categories that apply, denoting the primary obligation with a "P" and all others that apply with "X."

- Mark "Voluntary" when the response is entirely discretionary and has no direct effect on any benefit or privilege for the respondent.
- Mark "Required to obtain or retain benefits" when the response is elective, but is required to obtain or retain a benefit.
- Mark "Mandatory" when the respondent must reply or face civil or criminal sanctions.

13. Annual reporting and recordkeeping hour burden

- Enter the number of respondents and/or recordkeepers. If a respondent is also a recordkeeper, report the respondent only once.
- Enter the number of responses provided annually. For recordkeeping as compared to reporting activity, the number of responses equals the number of recordkeepers.
 - Enter the estimated percentage of responses that will be submitted/collected electronically using magnetic media (i.e., diskette), electronic mail, or electronic data interchange. Facsimile is **not** considered an electronic submission.
 - Enter the total annual recordkeeping and reporting hour burden.
 - Enter the burden hours currently approved by OMB for this collection of information. Enter zero (0) for any new submission or for any collection whose OMB approval has expired.
 - Enter the difference by subtracting line d from line c. Record a negative number (d larger than c) within parentheses.
 - Explain the difference. The difference in line e must be accounted for in lines f.1. and f.2.
 - "Program change" is the result of deliberate Federal government action. All new collections and any subsequent revision of existing collections (e.g., the addition or deletion of questions) are recorded as program changes.
 - "Adjustment" is a change that is not the result of a deliberate Federal government action. Changes resulting from new estimates or action not controllable by the Federal government are recorded as adjustments.

14. Annual reporting and recordkeeping cost burden (in thousands of dollars)

The costs identified in this item must exclude the cost of hour burden identified in Item 13.

- Enter the total dollar amount of annualized cost for all respondents of any associated capital or start-up costs.
- Enter recurring annual dollar amount of cost for all respondents associated with operating or maintaining systems or purchasing services.
- Enter total (14.a. + 14.b.) annual reporting and recordkeeping cost burden.
- Enter any cost burden currently approved by OMB for this collection of information. Enter zero (0) if this is the first submission after October 1, 1995.
- Enter the difference by subtracting line d from line c. Record a negative number (d larger than c) within parentheses.
- Explain the difference. The difference in line e must be accounted for in lines f.1. and f.2.
 - "Program change" is the result of deliberate Federal government action. All new collections and any subsequent revisions or changes resulting in cost changes are recorded as program changes.

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f.2. "Adjustment" is a change that is not the result of a deliberate Federal government action. Changes resulting from new estimations or actions not controllable by the Federal government are recorded as adjustments.

15. Purpose of information collection

Mark all categories that apply, denoting the primary purpose with a "P" and all others that apply with "X."

a. Mark "Application for benefits" when the purpose is to participate in, receive, or qualify for a grant, financial assistance, etc., from a Federal agency or program.

b. Mark "Program evaluation" when the purpose is a formal assessment, through objective measures and systematic analysis, of the manner and extent to which Federal programs achieve their objectives or produce other significant effects.

c. Mark "General purpose statistics" when the data is collected chiefly for use by the public or for general government use without primary reference to the policy or program operations of the agency collecting the data.

d. Mark "Audit" when the purpose is to verify the accuracy of accounts and records.

e. Mark "Program planning or management" when the purpose relates to progress reporting, financial reporting and grants management, procurement and quality control, or other administrative information that does not fit into any other category.

f. Mark "Research" when the purpose is to further the course of research, rather than for a specific program purpose.

g. Mark "Regulatory or compliance" when the purpose is to measure compliance with laws or regulations.

16. Frequency of recordkeeping or reporting

Check "Recordkeeping" if the collection of information explicitly includes a recordkeeping requirement.

Check "Third party disclosure" if a collection of information includes third-party disclosure requirements as defined by 1320.3(c).

Check "Reporting" for information collections that involve reporting and check the frequency of reporting that is requested or required of a respondent. If the reporting is on "an event" basis, check "On occasion."

17. Statistical methods

Check "Yes" if the information collection uses statistical methods such as sampling or imputation. Generally, check "No" for applications and audits (unless a random auditing scheme is used). Check "Yes" for statistical collections, most research collections, and program evaluations using scientific methods. For other types of data collection, the use of sampling, imputation, or other statistical estimation techniques should dictate the response for this item. Ensure that supporting documentation is provided in accordance with Section B of the Supporting Statement.

18. Agency contact

Provide the name and telephone number of the agency person best able to answer questions regarding the content of this submission.

19. Certification for Paperwork Reduction Act Submissions

The Senior Official or designee signing this statement certifies that the collection of information encompassed by the request complies with 5 CFR 1320.9. Provisions of this certification that the agency cannot comply with should be identified here and fully explained in item 18 of the attached Supporting Statement. NOTE: The Office that "develops" and "uses" the information to be collected is the office that "conducts or sponsors" the collection of information. (See 5 CFR 1320.3(d)).

Certification Requirement for Paperwork Reduction Act Submissions

5 CFR 1320.9 reads "As part of the agency submission to OMB of a proposed collection of information, the agency (through the head of the agency, the Senior Official, or their designee) shall certify (and provide a record supporting such certification) that the proposed collection of information--

"(a) is necessary for the proper performance of the functions of the agency, including that the information to be collected will have practical utility;

"(b) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(c) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. § 601(6)), the use of such techniques as:

"(1) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

"(2) the clarification, consolidation, or simplification of compliance and reporting requirements; or collections of information, or any part thereof;

"(3) an exemption from coverage of the collection of information, or any part thereof;

"(d) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

"(e) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

"(f) indicates for each recordkeeping requirement the length of time persons are required to maintain the records specified;

"(g) informs potential respondents of the information called for under §1320.8(b)(3); [see below]

"(h) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

"(i) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

"(j) to the maximum extent practicable, uses appropriate information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public."

NOTE: 5 CFR 1320.8(b)(3) requires that each collection of information:

"(3) informs and provides reasonable notice to the potential persons to whom the collection of information is addressed of:

"(i) the reasons the information is planned to be and/or has been collected;

"(ii) the way such information is planned to be and/or has been used to further the proper performance of the functions of the agency;

"(iii) an estimate, to the extent practicable, of the average burden of the collection (together with a request that the public direct to the agency any comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden);

"(iv) whether responses to the collection of information are voluntary, require to obtain or retain a benefit (citing authority) or mandatory (citing authority);

"(v) the nature and extent of confidentiality to be provided, if any (citing authority); and

"(vi) the fact that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number."

Supporting Statement for Paperwork Reduction Act Submissions

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 of the OMB Form 83-1 is checked "Yes", Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods used to minimize burden.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;

- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- * requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information

is requested, and any steps to be taken to obtain their consent.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-1.

- * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use

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existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

* Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results. When Item 17 on the Form OMB 83-I is checked, "Yes," the following documentation should be included in the Supporting Statement to the extent that it applies to the methods proposed:

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection methods to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.

2. Describe the procedures for the collection of information including:

- * Statistical methodology for stratification and sample selection,
- * Estimation procedure,
- * Degree of accuracy needed for the purpose described in the justification,
- * Unusual problems requiring specialized sampling procedures, and
- * Any use of periodic (less frequent than annual) data collection cycles to reduce burden.

3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.

4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of test may be submitted for approval separately or in combination with the main collection of information.

5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

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SUPPORTING STATEMENTS

OMB Control Number: XXXX-XXXX

U.S. Election Assistance Commission

Alternative Voting Methods Study

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

Section 241 of the Help America Vote Act (HAVA) (42 U.S.C. 15301) requires the U.S. Election Assistance Commission (USEAC or EAC) to periodically study election administration issues with the goal of promoting voting methods and improving election administration. Section 241 (b)(10) (42 U.S.C. 15301) instructs the EAC to study the feasibility and advisability of conducting elections for Federal office on different days, at different places, and during different hours. The study should include a discussion of the advisability of establishing a uniform poll closing time and establishing:

- A legal public holiday under section 6103 of title 5 United States Code, as the date on which general elections for Federal office are held;
- The Tuesday after the 1st Monday in November, in every even numbered year, as a legal public holiday under such section;
- A date other than the Tuesday next after the 1st Monday in November, in every even numbered year as the date on which general elections for Federal office are held; and

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information will be collected through a statistically valid survey of 3,000 U.S. citizens and residents of Puerto Rico to determine how they respond to alternative voting methods (if in a state that offers them) or would respond to alternative voting methods (if in a state that does not allow them). This survey will be representative of the entire U.S. and Puerto Rico. The topics that will be explored include, but are not limited to: voting by mail, voting at consolidated polling center, voting online, voting earlier/later on Election Day, voting on weekend day, voting on day other than first Tuesday in November, making the day on which Federal elections are held a Federal holiday.

Standard background information of respondent will also be gathered and will include but not be limited to, (1) respondents' voter registration history, (2) respondents' voting history, (3) standard demographic questions covering: age, ethnicity, education, employment status, and income bracket.

The information will be assessed and evaluated to determine the feasibility and advisability of establishing a legal public holiday on election-day by making the first Tuesday after the 1st Monday in November a legal public holiday, or making another date on which elections will fall a legal public holiday.

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Based upon the information gathered in the study, the EAC shall submit a report to the President and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on administrative and legislative action as the EAC determines is appropriate.

The information will be available to the public once it is completed. This information collection is being carried out only once for purposes of meeting the statutory requirements under HAVA.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The collection of information does utilize Computer Assisted Telephone Interviewing (CATI). CATI will be used to conduct the public opinion survey. CATI is a telephone surveying technique in which the interviewer follows a script by a software application. The software is able to customize the flow of the questionnaire based on the answers provided, as well as information already known about the participant.

4. Describe efforts to identify duplication.

This is the first study conducted by the EAC on the part of HAVA Section 241 (b) (10). The study contractor has reviewed previous and contemporaneous public opinion surveys to eliminate duplication.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

This collection of information does not involve small businesses or other small entities.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Section 241 of the Help American Vote Act requires the EAC to study election administration issues with the goal of promoting voting methods and improving election administration.

If the collection is not conducted, the EAC will be unable to fulfill Section 241 of HAVA (42 U.S.C. 15301). Furthermore, without this information the EAC will be unable to provide States and Congress with the feasibility and advisability of using alternative days, times and places to conduct Federal elections. The determination of whether these alternative voting methods are feasible rests upon the collection of this information.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Not applicable.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received

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in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The Study for Alternative Voting Methods received one comment regarding the Information Collection Materials. Overall, the comment demonstrated a support for the objectives of this study. Specifically, the comment indicated support for a key issue that will be examined in this study, namely, making the day on which Federal elections are held a Federal holiday. Providing several justifications for making Election Day a Federal holiday, the comment concluded that the benefits outweigh any drawbacks. There were no suggestions for changes to the study and subsequently no action is necessary.

In drafting the survey questionnaire, the study contractor consulted previous public opinion research conducted by The Pew Research Center for the People and the Press. The study contractor also consulted public opinion polls conducted by CBS News and NBC news. The study contractor also consulted with the U.S. Postal Service.

The study contractor, IFES, has more than ten years of experience in conducting innovative and effective public opinion research around the world. IFES' survey and focus group capabilities provide relevant and reliable information on the opinions and attitudes in a country to government officials, development professionals, political actors, academics and others interested in democratic and political development. However, a key strength of IFES' research is its use of a standard set of questions gauging sociopolitical development in most surveys we perform. Data from these questions can help researchers compare attitudes and opinions from country to country and across time in a single nation. To date, IFES has conducted more than 60 public opinion research projects in 24 countries around the world.

In addition to its survey capability, IFES has worked with election assistance and democratic development in over 100 countries since 1987. IFES' international professionals ensure that democracy solutions are home grown. IFES professionals provide technical assistance across many areas of democracy development. With its experience promoting democracy abroad, IFES has begun to work to strengthen democracy in the U.S. IFES works directly with local, state, federal and private partners in the U.S. to support technical assistance initiatives and projects. Under a contract enacted in late September 2005 under the U.S. Election Assistance Commission (EAC) IFES, working with The Pollworker Institute and the League of Women Voters (LWV), is finalizing a year-long research project aimed at improving pollworker recruitment, training and retention in the United States. The project will develop better recruitment, training and retention methods to improve the Election Day experience for voters and election officials.

The study contractor also consulted with The Election Center. The Election Center is a nonprofit organization that works to promote and improve democracy in the U.S. The Center has experience performing research for governmental units concerning the similarities and differences in state or local laws, regulations, or practices concerning voter registration and elections administration. The Center also designs regional workshops and seminars on methods to improve operations and enhance efficiency of government election units.

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In the PRA Federal Register Notice, the estimated total annual burden hours was miscalculated and based upon the assumption that the estimated burden per response was 25 minutes, but the estimated burden per response is 15 minutes, thus the estimated burden per response is 750 hours.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

We will not provide any payment or gift to respondents in this collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Respondents will be given a verbal pledge of confidentiality prior to volunteering to participate.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

The collection does not include sensitive or private questions.

12. Provide an estimate in hours of the burden of the collection of information.

The study will gather information from 3,000 respondents. The estimated reporting burden is 750 hours (3,000 respondents X 15 minutes for interview) at no cost to the respondent.

In the PRA Federal Register Notice, the estimated total annual burden hours was miscalculated and based upon the assumption that the estimated burden per response was 25 minutes, but the estimated burden per response is 15 minutes, thus the estimated burden per response is 750 hours.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

We have identified no reporting and recordkeeping "non-hour cost" burdens associated with this proposed collection of information.

14. Provide estimates of annualized cost to the Federal government.

The estimated cost to the Federal Government is \$113,241. This estimate includes \$82,044 for the public opinion research firm, \$27,915 for personnel, \$3,064 office expenses, and \$219 for transportation.

- We estimate \$82,044 for the public opinion research firm. This will include services for programming the survey instrument into a Computer Assisted Telephone Interviewing (CATI) system so that survey questions, instruction and response categories are displayed in the computer, conduct of 3,000 completed interviews, quality control, data entry, coding of data and delivery of final data.
- We estimate \$27,915 for personnel to design the study, oversee its implementation,

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translate the questionnaire into Spanish, analyze data, and draft a final report.

- We estimate \$3,064 for office expenses.
- We estimate \$219 for any transportation related to this project.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This is the first time this information collection has been performed by the Federal government.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The results from this information collection will be summarized into a report by the study contractor. The document will be made available to the President and Congress per HAVA Section 244. Additionally, the documents will be available to the general public per FOIA and may be posted on the Internet website of the EAC.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable to this collection.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

To the extent that the topics apply to this collection of information, we are not making any exceptions to the "Certification for Paperwork Reduction Act Submissions."

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

(If your collection does not employ statistical methods, just say that and delete the following five questions from the format.)

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g. establishments, State and local governmental units, households, or persons) in the universe and the corresponding sample are to be provided in tabular form. The tabulation must also include expected response rates for the collection as a whole. If the collection has been conducted before, provide the actual response rate achieved.

The respondent universe for this study includes all adults aged 18 years who reside in one of the 50 U.S. states. The sample will be 3,000 respondents, and we aim to obtain a response rate of 30%. This is the first collection for this federal agency of this kind.

2. Describe the procedures for the collection, including: the statistical methodology for stratification and sample selection; the estimation procedure; the degree of accuracy needed for the purpose described in the justification; any unusual problems requiring

specialized sampling procedures; and any use of periodic (less frequent than annual) data collection cycles to reduce burden.

The survey will be conducted by phone in both English and Spanish using random digit dialing (RDD) technology. In RDD surveys, telephone exchanges in the United States are selected at random according to the specifications of the sampling plan. The last digits needed to complete the phone number are generated completely at random. This design ensures full implementation of the sampling plan and ensures that those with listed and unlisted numbers have an equal chance of being included in the sample. Within each contacted household, a respondent will be selected among all adults in the household aged 18 years and who are citizens.

3. Describe the methods used to maximize response rates and to deal with nonresponse. The accuracy and reliability of the information collected must be shown to be adequate for the intended uses. For collections based on sampling, a special justification must be provided if they will not yield "reliable" data that can be generalized to the universe studied.

To maximize the chances of making contact with a potential respondent, as many as 10 attempts will be made to complete an interview at every sampled household, and calls will be staggered over times of the day and days of the week.

4. Describe any tests of procedures or methods to be undertaken. Tests are encouraged as effective means to refine collections, but if ten or more test respondents are involved OMB must give prior approval.

Organizations such as The Pew Research Center for the People and the Press, NBC News, and CBS News have used these questions in previous surveys, thus through other organizations these questions have already been refined. Additionally, we pre-tested the instrument on 9 persons. Demographics describing the 9 respondents are listed in the tables below.

Education	Number of Respondents
High School or Less	2
Some College	2
College Graduate	2
Post Graduate	3

Age	Number of Respondents
Under 30	3
30 - 44	2
45 - 60	2
61 +	2

Race	Number of Respondents
White/White Latino	7
African	2
American/Black/Black Latino	

Registered to Vote?	Number of Respondents
Yes	7
No	2

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5. Provide the name and telephone number of individuals consulted on the statistical aspects of the design, and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

Contractor contact: Dr. Karen Buerkle; 202-350-6741; kbuerkle@ifes.org

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ALTERNATIVE VOTING METHODS STUDY

Hello, my name is _____. We are conducting an important study for the U.S. Election Assistance Commission. This survey is for research purposes only, we are not selling anything and we are not associated with or being paid by any political party or candidate. Your participation is voluntary and will only take a few minutes of your time. All your answers will be strictly confidential. Am I speaking with someone 18 or older?

- S1 To make sure our survey includes many different kinds of people, I need to ask a few questions about who lives in your household. How many adults age 18 or older live in your household?
- 1 One—GO TO S2
 - 2 Two or more—GO TO S3

ASK IF ONLY ONE ADULT AGE 18+ IN HH (S1=1)

- S2 May I please speak to that person?
- 1 Continue with current respondent—GO TO Q1
 - 2 New respondent being brought to phone—GO TO INTRO2
 - 3 New respondent not available—SCHEDULE CALL BACK
 - 9 Refused—TERMINATE

ASK IF MORE THAN ONE ADULT AGE 18+ IN HH (S1=2)

- S3 May I please speak with the adult (18+) in your household who has most recently had a birthday. Are you this person?
- 1 Yes—GO TO Q1
 - 2 No—ASK TO SPEAK TO THAT PERSON AND REINTRODUCE THE SURVEY

ASK ALL

- Q1 How would you rate your neighborhood as a place to live? Would you say it is excellent, good, fair or poor?
- 1 Excellent
 - 2 Good
 - 3 Fair
 - 4 Poor
 - 8 Don't know [DO NOT READ]
 - 9 Refused [DO NOT READ]

ASK ALL IN UNITED STATES

- Q2 Can you please tell me which state you currently live in?
- 1 Gave response [**Record verbatim—OK to use official two letter abbreviations**]
 - 8 Don't know [DO NOT READ]
 - 9 Refused [DO NOT READ]

ASK ALL IN UNITED STATES

- Q3a And have you been living in this state at least 9 months?
- 1 Yes
 - 2 No [TERMINATE INTERVIEW]
 - 8 Don't know [DO NOT READ] [TERMINATE INTERVIEW]
 - 9 Refused [DO NOT READ] [TERMINATE INTERVIEW]

ASK ALL IN PUERTO RICO

- Q3a Have you been living in Puerto Rico at least 9 months?
- 1 Yes
 - 2 No [TERMINATE INTERVIEW]
 - 8 Don't know [DO NOT READ] [TERMINATE INTERVIEW]
 - 9 Refused [DO NOT READ] [TERMINATE INTERVIEW]

ASK ALL

- Q3b And are you a U.S. citizen or not?
- 1 Yes
 - 2 No [TERMINATE INTERVIEW]
 - 8 Don't know [DO NOT READ] [TERMINATE INTERVIEW]
 - 9 Refused [DO NOT READ] [TERMINATE INTERVIEW]

ASK ALL

- Q4 Switching topics, how much information do you feel you have about politics and current events in the United States today? Do you have a great deal of information, a fair amount, not very much or no information at all?
- 1 Great deal
 - 2 Fair amount
 - 3 Not very much
 - 4 None at all
 - 8 Don't know [DO NOT READ]
 - 9 Refused [DO NOT READ]

ASK ALL

Q5a How much information do you feel you have about the way elections are organized in your community such as the rules about who can vote, where to go to vote, etc? Do you have a great deal of information, a fair amount, not very much or no information at all?

- 1 Great deal
- 2 Fair amount
- 3 Not very much
- 4 None at all
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK ALL

Q5b And how often would you say you vote in elections—always, nearly always, part of the time, seldom or never?

- 1 Always
- 2 Nearly always
- 3 Part of the time
- 4 Seldom
- 5 Never
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK ALL

Q6 These days, many people are so busy they can't find time to register to vote or move around so often they don't get a chance to re-register. Are you CURRENTLY registered to vote or haven't you been able to register so far? (Trend Question: Pew Research Center Oct. 11, 2006)

[IF RESPONDENT ANSWERS YES, ASK: Are you registered to vote at your CURRENT address or are you registered to vote at some OTHER previous address]

- 1 Yes, registered at current address
- 2 Yes, registered at other/previous address
- 3 No, not registered
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK IF NOT REGISTERED TO VOTE (Q6 = 3)

Q7a What would you say is the MAIN reason you're not registered to vote? [OPEN END; ACCEPT UP TO THREE RESPONSES BUT DO NOT PROBE FOR MORE THAN ONE]

- 1 Gave response [Record verbatim]
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK IF REGISTERED TO VOTE (Q6 = 1 or 2)

- Q7b Can you please tell me which state you are currently registered to vote in?
- 1 Gave response [**Record verbatim—OK to use official two letter abbreviations**]
 - 8 Don't know [DO NOT READ]
 - 9 Refused [DO NOT READ]

ASK ALL IN UNITED STATES

- Q8a We understand from talking to lots of people, that not everyone votes in every election. Did you vote in the 2006 Election this past November for either a Senator or Congressperson?
- 1 Yes
 - 2 No
 - 3 Not 18 at the time/Not eligible [DO NOT READ]
 - 8 Don't know [DO NOT READ]
 - 9 Refused [DO NOT READ]

ASK IF DID NOT VOTE 2006 (Q8a=2 or 3)

- Q8b Can you please tell me why you did not vote in the 2006 elections?
- 1 Gave response
 - 8 Don't know [DO NOT READ]
 - 9 Refused [DO NOT READ]

ASK ALL

- Q9a And did you vote in the 2004 (in US: Presidential election between George Bush and John Kerry) (in PR: election for Resident Commissioner)?
- 1 Yes
 - 2 No
 - 3 Not 18 at the time/Not eligible [DO NOT READ]
 - 8 Don't know [DO NOT READ]
 - 9 Refused [DO NOT READ]

ASK IF DID NOT VOTE 2004 (Q9a=2 or 3)

- Q9b Can you please tell me why you did not vote in the 2004 elections?
- 1 Gave response
 - 8 Don't know [DO NOT READ]
 - 9 Refused [DO NOT READ]

ASK ALL

- Q10a And thinking about the upcoming 2008 election for (in US: President) (in PR: Resident Commissioner), would you say it is more likely that you will vote or more likely that you will NOT vote?
- 1 Likely to vote
 - 2 Likely to NOT vote
 - 8 Don't know [DO NOT READ]
 - 9 Refused [DO NOT READ]

ASK IF LIKELY TO VOTE (Q10a=1)

Q10b Would you say you are absolutely certain to vote, very likely to vote, or fairly likely to vote?

- 1 Absolutely certain to vote
- 2 Very likely to vote
- 3 Fairly likely to vote
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK IF UNLIKELY TO VOTE (Q10a=2)

Q10c Would you say you are absolutely certain not to vote, very likely not to vote, or fairly likely not to vote?

- 1 Absolutely certain not to vote
- 2 Very likely not to vote
- 3 Fairly likely not to vote
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK ALL

Q11 How much confidence do you have in the system in which votes are cast and counted in (in US: this country) (in PR: Puerto Rico)? Do you have a great deal, fair amount, not very much, or no confidence at all in the system in which votes are cast and counted?

- 1 Great deal
- 2 Fair amount
- 3 Not very much
- 4 None at all
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK ALL

Q12 There are many ways for people to vote, and some prefer one way over another. If you had the choice of voting in a booth at a polling place on Election Day or over the Internet or through the mail during the weeks leading up to Election Day, which would you prefer? (Trend question: Pew Research Center March 2000)

- 1 Vote in booth at polling place on Election Day
- 2 Vote over the Internet
- 3 Vote through the mail during the weeks leading up to Election Day
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK ALL

Q13 Some people have suggested reforms to the election process. Would you strongly favor somewhat favor, somewhat oppose or strongly oppose (insert item).
How about (insert item)— strongly favor somewhat favor, somewhat oppose or strongly oppose?

RANDOMIZE A thru C

- A (ASK ONLY IN US) setting a uniform poll closing time on election night, so that all polling places across the country close at the same time regardless of the timezone? (Trend question: CBS News December 2000)?
- B changing the day of the election from Tuesday to a weekend so that people would be able to vote on either Saturday or Sunday [IF ASKED, the polls would be open both days and you could choose if you wanted to vote on Saturday or Sunday]?
- C holding elections over multiple WEEKdays?
- D (ASK ONLY IN US) making Election Day into a federal holiday? This would mean that schools would be closed and many people would have the day off work on Election Day.
 - 1 Strongly favor
 - 2 Somewhat favor
 - 3 Somewhat oppose
 - 4 Strongly oppose
 - 5 Depends what day [DO NOT READ]
 - 8 Don't know [DO NOT READ]
 - 9 Refused [DO NOT READ]

ASK IF OPPOSE FEDERAL HOLIDAY (Q13D=3, 4)

Q14a Can you please tell me why you oppose making Election Day a Federal holiday?

- 1 Gave response [**Record verbatim**]
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK IF FAVOR HOLIDAY or DEPENDS WHAT DAY (Q13D= 1, 2, or 5)

Q14b And would you prefer the holiday to be on our traditional Election Day, on the first Tuesday in November, an already existing Federal Holiday, or some other day or would it make no difference to you?

- 1 Traditional Election Day – first Tuesday in November
- 2 Existing Federal Holiday
- 3 Some other day
- 4 Makes no difference
- 8 Don't Know [DO NOT READ]
- 9 No Answer/Refused [DO NOT READ]

ASK ALL

Q15 I am going to read out a number of different ways of voting some people are talking about. For each, please tell me if you think it will make you PERSONALLY more likely to vote, less likely to vote, or would it make no difference in the likelihood you will vote in future elections? Would (insert) make you PERSONALLY more likely to vote, less likely to vote, or would it make no difference to YOU?

RANDOMIZE A thru G

- A Giving you the option to vote in-person or by mail
- B Giving you the option to vote at any polling station in your area
- C Giving you the option to vote in person or online
- D Extending the hours the polls are open on Election Day so you could vote earlier or later
- E Holding elections over the whole weekEND so that you have the option of voting on either Saturday or Sunday
- F Holding elections over two week DAYS
- G (Ask only in US) Making the day on which elections are held a Federal holiday
 - 1 More likely to vote
 - 2 Less likely to vote
 - 3 Make no difference
 - 8 Don't know [DO NOT READ]
 - 9 Refused [DO NOT READ]

ASK ALL

Q16 What ONE of these changes that we just talked about, if any, would make the biggest difference in your ability to be able to vote in elections? [RANDOMIZE RESPONSE OPTIONS AND READ OUT]

- 1 Option to vote in-person or by mail
- 2 Option to vote at any polling station in your area
- 3 Option to vote in person or online
- 4 Extending the hours the polls are open on Election Day so you could vote earlier or later
- 5 Holding elections over the whole weekEND so that you have the option of voting on either Saturday or Sunday
- 6 Holding elections over two week DAYS
- 7 Making the day on which elections are held a Federal holiday
- 8 No change will make more likely [DO NOT READ]
- 98 Don't know [DO NOT READ]
- 99 Refused [DO NOT READ]

ASK ALL

Q17 Some jurisdictions are discussing an election system in which all residents cast their vote through the mail in the weeks leading up to Election Day, rather than going to a polling place to vote in an election booth. Do you strongly favor, somewhat favor, somewhat oppose or strongly oppose replacing voting booths with voting by mail? (Trend Question: Pew Research Center Oct. 11, 2006)

- 1 Strongly favor
- 2 Somewhat favor
- 3 Somewhat oppose
- 4 Strongly oppose
- 8 Don't Know [DO NOT READ]
- 9 No Answer/Refused [DO NOT READ]

ASK ALL

Q18 Now I'm going to ask you to compare a traditional voting booth with voting over the Internet. For each item I mention, please tell me whether you think that a traditional voting booth or voting over the Internet would be a better method for addressing that concern. If you think that both methods would be equally good, just say so. Do you think a traditional voting booth or voting over the internet would be better at (insert item) or do you think that both methods are equally good at (insert item).

RANDOMIZE A thru C

- A Preventing fraud
- B Ensuring an accurate vote count.
- C Encouraging greater voter participation
 - 1 Traditional voting booth
 - 2 Internet voting
 - 3 Both equally good
 - 4 Neither good [DO NOT READ]
 - 8 Don't Know [DO NOT READ]
 - 9 No Answer/Refused [DO NOT READ]

ASK ALL

Q19 And how about comparing a traditional voting booth with voting through the MAIL. Do you think a traditional voting booth or voting through the MAIL would be better at (insert item) or do you think that both methods are equally good at (insert item).

RANDOMIZE A thru C

- A Preventing fraud
- B Ensuring an accurate vote count.
- C Encouraging greater voter participation
 - 1 Traditional voting booth
 - 2 Voting through the mail
 - 3 Both equally good
 - 4 Neither good [DO NOT READ]
 - 8 Don't Know [DO NOT READ]
 - 9 No Answer/Refused [DO NOT READ]

010289

ASK IF VOTED IN 2004 OR 2006 (Q8a or Q9a=1)

Q20 For the next few questions, I would like you to think about your experiences voting in the (IF Q8a=1: the 2006 congressional elections) (IF in US AND Q8a=2 AND Q9a=1: 2004 presidential election) (IF in PR AND Q9a=1: 2004 election for Resident Commissioner). Do you recall if you voted BEFORE Election Day, that is at an early voting site or with an absentee ballot, OR did you vote in person ON Election Day?

- 1 Before Election Day - Early Voting Site/Absentee
- 2 In person on Election Day
- 3 Dropped off absentee ballot on Election Day [DO NOT READ]
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK IF VOTED BEFORE ELECTION DAY (IF Q20 = 1)

Q21 And when you voted BEFORE Election Day in the (IF Q8a=1: 2006 elections) (IF Q8a=2 AND Q9a=1: 2004 elections), do you recall if you voted at an early voting site or through the mail?

- 1 Voted at early voting site
- 2 Voted through the mail
- 3 Did not vote before Election Day [DO NOT READ]
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK IF VOTED ON ELECTION DAY (IF Q20 = 2)

Q22 And were you assigned to a polling place or were you allowed to vote at any polling place in your area?

- 1 Assigned polling place
- 2 Allowed to vote at any polling place in area
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK ALL

Now I have just a few questions so we can describe the people who took part in our survey.

D1 Record gender

- 1 Male
- 2 Female

D2 What is your age?

Record range 18-96

- 97 97 or older
- 98 Don't know [DO NOT READ]
- 99 Refused [DO NOT READ]

D3 What is the highest level of education you received?

- 1 High School or less
- 2 Some College
- 3 College Graduate
- 4 Post graduate
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

D4 Do you or anyone in your household own a business?

- 1 Yes
- 2 No
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

D5a Which of the following best describes your current employment status—employed, self-employed, retired and not working, are you not in the labor force, or are you unemployed and looking for work?

- 1 Employed
- 2 Self-employed
- 3 Retired and not working
- 4 Not in the labor force [INTERVIEWER, this includes homemakers]
- 6 Unemployed and looking for work
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK IF EMPLOYED OR SELF EMPLOYED (D5a=1 or 2)

D5b Is this part-time or full-time?

- 1 Part-time
- 2 Full-time
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK IF EMPLOYED (D5a=1)

D5c What is your MAIN occupation?

- 1 Gave response
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK IF GAVE RESPONSE (D5c=1)

D5d And would you characterize this occupation as...?

- 1 Executive/ high-level management
- 2 Professional/ middle manager
- 3 Technical/ administrative/ clerical
- 4 Service worker/ protective services
- 5 Skilled labor
- 6 Unskilled labor
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK ALL

D6 Are you yourself of Latino or Hispanic origin or descent, such as (Ask in US: Mexican, Cuban,) Puerto Rican, Cuban, or some other Latin American background?

- 1 Yes
- 2 No
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

D7 What is your race? (If Latino ask :) Are you white Latino, black Latino or some other race? (Else:) Are you white, African American or black, Asian or some other race?

- 1 White/White Latino
- 2 African American/Black/Black Latino
- 3 Asian/Asian Latino
- 4 Other
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

D8 Last year, that is in 2006, what was your total household income from all sources before taxes? Was it under or over \$40,000?

- 1 Under \$40,000
- 2 Over \$40,000
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK IF INCOME LESS THAN \$40,000 (D8=1)

D9a Now just stop me when I get to the right category. Was your income ...

Read responses

- 1 Less than \$10,000
- 2 \$10,000 to under \$15,000
- 3 \$15,000 to under \$20,000
- 4 \$20,000 to under \$25,000
- 5 \$25,000 to under \$30,000
- 6 \$30,000 to under \$35,000 or
- 7 \$35,000 to under \$40,000
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

ASK IF INCOME MORE THAN \$40,000 (D8=2)

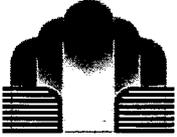
D9b Now just stop me when I get to the right category. Was your income ...

Read responses

- 1 \$40,000 to under \$50,000
- 2 \$50,000 to under \$75,000
- 3 \$75,000 to under \$100,000
- 4 \$100,000 to under \$150,000 or
- 5 \$150,000 or more
- 8 Don't know [DO NOT READ]
- 9 Refused [DO NOT READ]

Thank you. That is all of the questions I have for you.

*This information collection is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301). Respondent's reply to this information collection is voluntary; respondents are required to be U.S. citizens. This information will be made publicly available on the EAC website at www.eac.gov. According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 000000000 (expires 00/00/0000). The time required to complete this information collection is estimated to average 15 minutes per response. Comments regarding this burden estimate should be sent to the Program Manager – 2007 Alternative Voting Methods Study, U.S. Election Assistance Commission, 1225 New York Ave, NW, Suite 1100, Washington, DC 20005.



Laiza N. Otero/EAC/GOV
04/09/2007 03:06 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Fw: Alternative Voting Methods Study

This was Ernie's response.

----- Forwarded by Laiza N. Otero/EAC/GOV on 04/09/2007 03:05 PM -----



ernieh@aol.com
03/20/2007 02:48 PM

To lotero@eac.gov
cc klynndyson@eac.gov
Subject Re: Alternative Voting Methods Study

We are waiting on the post office on the focus groups and on an EAC decision regarding the territories for the survey.

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

From: lotero@eac.gov
To: ernieh@aol.com
Cc: klynndyson@eac.gov
Sent: Fri, 16 Mar 2007 7:54 AM
Subject: Fw: Alternative Voting Methods Study

-----Forwarded by Laiza N. Otero/EAC/GOV on 03/16/2007 10:51AM -----

To: Karen Lynn-Dyson/EAC/GOV@EAC
From: Laiza N. Otero/EAC/GOV
Date: 03/12/2007 04:09PM
Subject: Alternative Voting Methods Study

Karen,

The last day for public comments regarding the Alternative Voting Methods survey instrument posted on 1/9/2007 has passed (last day was March 9, 2007). To proceed with clearance, the Contractor should finalize the survey instrument (incorporate all comment, make revisions, etc.). Then they must publish it on the Federal Register once more for 30 days and submit the ICR package to OMB. The OMB package includes:

Contractor Responsibilities - prepare all information and supporting documents required for the submission package

Provide IC instrument in its final form

Information on OMB Form 83-I

Supporting Statement A - joint Privacy Impact Assessment (PIA)

010294

Supporting Statement B (if using statistical methods)
Copy of 60-day Federal Register Notice
Copy of 30-day Federal Register Notice
Summary of public comments received, including actions in response to
the comments.
Copy of public comments received
Copies of pertinent statutory authority and regulation

EAC Responsibilities:

Review and approve documents prepared by Contractor
Submit ICR package to OMB via their online ROCIS system

The same applies to the focus groups for the free absentee postage study. As always, I am happy to provide you the necessary information to get these studies through PRA. For sample ICR submissions, one can go to: <http://www.reginfo.gov/public/do/PRAMain>.

Laiza

AOL now offers free email to everyone. Find out more about what's free from AOL at AOL.com

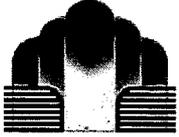
010295



Laiza N. Otero/EAC/GOV
04/13/2007 03:22 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Fw: Alternative Voting Methods

----- Forwarded by Laiza N. Otero/EAC/GOV on 04/13/2007 03:21 PM -----



Laiza N. Otero/EAC/GOV
04/13/2007 01:11 PM

To Karen Lynn-Dyson/EAC/GOV
cc Juliet E. Thompson-Hodgkins/EAC/GOV@EAC
Subject Alternative Voting Methods

For this study, we have not submitted a package to OMB. The Contractor has provided the requested information, and I am preparing the documentation for Julie to review and approve. They have done the initial 60-day FR Notice, and I am attaching that along with the draft collection instruments.



AV.60-Day FR Notice.pdf



Alternative Voting Methods.Draft Survey.FR.pdf

010296

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
(212) 998-6130 (direct)
(212) 995-4550 (fax)



010310

Thomas R. Wilkey/EAC/GOV
09/15/2006 09:55 AM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
bcc
Subject Re: Call to discuss release of Rutgers Voter ID report 

History

 This message has been replied to

I will be sitting in my dentist chair during that time frame but will call you afterward.
Julie let me know where I can reach you

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

From: Juliet E. Hodgkins
Sent: 09/15/2006 09:52 AM
To: Thomas Wilkey
Subject: Fw: Call to discuss release of Rutgers Voter ID report

FYI -- also my opinion is that we have not released this to anyone and that includes Hill staff.

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

From: Juliet E. Hodgkins
Sent: 09/15/2006 09:41 AM
To: Karen Lynn-Dyson
Subject: Re: Call to discuss release of Rutgers Voter ID report

I am not available until after noon.

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson
----- Original Message -----

From: Karen Lynn-Dyson
Sent: 09/15/2006 09:31 AM
To: Juliet Hodgkins; Thomas Wilkey
Cc: Bert Benavides
Subject: Call to discuss release of Rutgers Voter ID report

Julie and Tom-

Commissioner Hillman has asked me to meet with each of you this morning regarding the sharing of the information of this report with Hill staffers.

Could we have a call at 10:30 or 11:00 this morning to reach a decision on how to proceed with this request?

I understand this is a time-sensitive matter that will need to be resolved by early afternoon.

Thanks

010311

Thomas R. Wilkey/EAC/GOV
04/27/2006 03:51 PM

To: "Julie Thompson" <jthompson@eac.gov>
cc
bcc
Subject: Fw: Schedule for completion of Prov. Voting and Voter ID research

Sorry forgot to reply all on this

Sent from my BlackBerry Wireless Handheld
Thomas R. Wilkey

From: Thomas R. Wilkey
Sent: 04/27/2006 03:50 PM
To: Karen Lynn-Dyson
Subject: Re: Schedule for completion of Prov. Voting and Voter ID research

I think we need to get their final documents to the Commissioners prior to review by both the Boards. You see the politics here and everyone wants to make sure their comments were taken care of before they go to these two boards...as to the June public meeting Julie, you and I need to discuss. Let's chat tomorrow sometime when I get a spare minute.
Thanks

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 04/27/2006 09:10 AM
To: Juliet Thompson-Hodgkins
Cc: Thomas Wilkey
Subject: Re: Schedule for completion of Prov. Voting and Voter ID research

I think that a number of months ago we envisioned the Eagleton project culminating with a presentation of both of the papers at a public meeting. We had tentatively scheduled that presentation for the June public meeting. Also, we must provide for a review of these studies to EAC's Standards Board and Board of Advisors.

Clearly, plans have changed although we need to figure out how we have Eagleton present its final papers on Provisional Voting (already planned) and Voter Identification (still in process) to the EAC Standards and Advisory Boards.

Look forward to your suggestions on how best to proceed with wrapping up these two efforts.

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

010312

**Deliberative Process
Privilege**

Thomas R. Wilkey/EAC/GOV
10/30/2005 11:16 PM

To Juliet E. Thompson/EAC/GOV@EAC
cc
bcc
Subject Re: Eagleton/Moritz

In the Van from the airport but glad to hear you are feeling better. Haven't looked at the Eagleton report yet since I feared that I would see what you have seen.. May surprise you but this New York liberal has never been happy about anything Eagleton has done so far. Guess I have been hanging around a certain Conservative too much.

As for Kim no one is more disappointed with his crap than I and I have known him for yearsm
Well we have come to a complete stop on the BWI Parkway may get home by midnight.
Gorgeous Indian Summer day in New York and still some colors left on the treesm
See you in the morning
Tom

Sent from my BlackBerry Wireless Handheld
Juliet E. Thompson

From: Juliet E. Thompson
Sent: 10/30/2005 10:06 PM
To: Thomas Wilkey
Subject: Eagleton/Moritz

I just sent my detailed comments to Eagleton. I stopped short of accusing them of making unfounded conclusions, but I am seriously concerned about all of our research projects on the point of presenting facts versus conclusions based upon assumptions. This was an issue with Kim Brace's report and the summary of it. I think that I caught most of them, but this is something that the research staff should be pointing out. I know I am preaching to the choir when I say that our reports (research and otherwise) have to be beyond reproach. I would rather stop short of reaching sensational conclusions to assure that they are supported in fact.

By way of example, in the Kim Brace draft there was a statement about states having VR databases having superior voter registration management. I am not sure that those two logically derive from one another without additional information and assumptions. The same sort of statements are rampant in the state by state summaries that Eagleton/Moritz provided. We should not accept these as summaries if they don't clean up the unsupported conclusions and unstated assumptions that pervade those documents.

Just so you'll know I am not just griping tonight -- how was your trip home? Hope all was well and that you have arrived/will arrive safely back in DC. You missed a gorgeous weekend here. Hope it was equally nice in NY. I was more or less a slug up until today, but it helped. I can now sit in a chair for more than 30 minutes at a time without a shooting pain in my stomach.

See you tomorrow.

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

010313

Karen Lynn-Dyson/EAC/GOV
10/06/2005 12:28 PM

To Gavin S. Gilmour/EAC/GOV@EAC
cc Carol A. Paquette/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: Voter Fraud Contract 

Gavin-

A few answers to your questions:

They have not received contracts but did receive a Statement of Work about a month ago.

That Statement of Work does not reference use of Westlaw or a law clerk. I have no recollection of offering such services. I have, however, had many conversations with Tova and Job. At some point I may have said that because the EAC has Westlaw and legal interns, there may or may not be a way from Job and Tova to avail them of these services.

The Statements of Work developed (see draft attached) were used in place of an RFP. Tova and Job are to serve as consultants on a project that may or may not result in their developing an RFP on voting fraud and intimidation for the EAC.



Job Serebrov sow.doc Tova Wang sow.doc
K

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

Gavin S. Gilmour/EAC/GOV

Gavin S. Gilmour/EAC/GOV
10/06/2005 11:50 AM

To Karen Lynn-Dyson/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
cc Carol A. Paquette/EAC/GOV@EAC
Subject Voter Fraud Contract

Karen/Tom,

Peggy held a meeting with voting fraud/intimidation contractors. In this meeting they noted that despite the fact that the contract requires them to perform legal research, they do not have the means to do so (no access to Westlaw, etc..). They noted that in discussions with the two of you, they were told that the EAC would provide them access to West Law and, possibly, a law clerk with office space. None of

010314

this is noted in the contract. They claim to have never seen the contract? Do we have their response to our RFP? We will all need to meet to clarify this.

GG

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

010315

Statement of Work

Assistance with developing an Election Assistance Commission (EAC) Voting Fraud and Voter Intimidation Project

(Job Serebrov)

Background

Section 241 of HAVA enumerates a number of periodic studies of election administration issues in which the U.S. Election Assistance Commission may elect to engage. In general “On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b)”

Sections 241(b) (6) and (7) list the following election administration issues:

(6) Nationwide statistics and methods of identifying, deterring and investigating voting fraud in election for Federal offices.

(7) Identifying, deterring and investigating methods of voter intimidation.

Building on this HAVA reference to studies of voting fraud and voter intimidation, the EAC Board of Advisors has indicated that further study of these issues to determine how the EAC might respond to them is a high priority.

The U.S. Election Assistance Commission (EAC) seeks to identify one or more senior-level project consultants to develop various project activities and studies related to voting fraud and voter intimidation affecting Federal elections.

The consultant(s) must have knowledge of voting fraud and voter intimidation along with an understanding of the complexities, nuances and challenges which surround the topics. The EAC is particularly interested in candidates with experience in elections, with public policy and with the law. The consultant (s) must be able to demonstrate an ability to approach the issues of voting fraud and voter intimidation in a balanced, nonpartisan fashion.

010316

Duties

The consultant(s), whose contract would run for the period September-February, 2005, would be responsible for the following.

1. Identifying what constitutes voting fraud and voter intimidation affecting Federal elections.
2. Performing background research, including Federal and state-by state administrative and case law review related to voting fraud and voter intimidation, and a review of current voting fraud and voter intimidation activities taking place with key government agencies, civic and advocacy organizations. A written summary of this research, and a copy of any source documentation used, will be presented to EAC.
3. Identifying, in consultation with EAC, and convening a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The working group's goals and objectives and meeting agendas will be vetted with key EAC staff.
4. Developing a project scope of work and a project work plan related to voting fraud and voter intimidation. The consultants (s) will develop a draft scope of work and project work plan for EAC's consideration based on research into the topics, the deliberations and findings of the working group, and the consultants' understanding of EAC's mission and agency objectives.
5. Authoring a report summarizing the key findings of this preliminary study of voting fraud and voter intimidation. The report will also include suggestions for specific activities that EAC may undertake to address these topics.

From this initial research and exploration of these topics the consultant (s) may be retained to help oversee follow-on research projects and contracts EAC may pursue on the topics of voting fraud and voter intimidation.

Special Considerations

Work for Hire. The services performed under the terms of this agreement are considered "work for hire," and any intellectual property or deliverables, including but not limited to, research, policies, procedures, manuals, and other works submitted; or which are specified to be delivered; or which are developed or produced and paid for by EAC, shall be owned exclusively by EAC, including copyright. EAC or its assignees have the exclusive right to reproduce all work products from this agreement without further payment to the Contractor.

Terms and Conditions

The period of performance for this consulting contract is six months, with a fixed price ceiling of \$XXXXXX for labor. The consultant (s) is expected to work at least 200 hours in performing this work. The EAC estimates that the most efficient distribution of these hours would be as follows: XXXXX. The period of performance and level of effort can be revised in writing by mutual agreement of the EAC and the consultant, as required.

The Consultant is required to travel to the EAC Washington, D.C. offices on a periodic, as needed basis, throughout the duration of the contract. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, other approved incidental expenses, and per diem costs while working on-site at the EAC offices. An estimated \$XXXXXX has been allocated for reimbursement for travel and other allowable expenses.

Invoicing

Invoices may be submitted monthly in equal payments for labor. Expenses claimed for reimbursement shall be itemized with appropriate receipts provided. Invoices shall be delivered to Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005.

Deliverables and Timetable

Deliverable	Due Date
Draft project work plan (Phase I)	ASAP after award
Progress Reports to Contracting Officer's Representative (COR)	Monthly
A written summary of background research on voting fraud and voter intimidation.	TBD
Identifying and convening a working group knowledgeable about voting fraud and voter intimidation.	TBD
Developing a project scope of work and project work plan (Phase II)	TBD
Summary report describing key findings of this preliminary study of voting fraud and	TBD

voter intimidation	

Statement of Work

Assistance with developing an Election Assistance Commission (EAC) Voting Fraud and Voter Intimidation Project

(Tova Wang)

Background

Section 241 of HAVA enumerates a number of periodic studies of election administration issues in which the U.S. Election Assistance Commission may elect to engage. In general “On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b)”

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The U.S. Election Assistance Commission (EAC) seeks to identify one or more senior-level project consultants to develop various project activities and studies related to voting fraud and voter intimidation affecting Federal elections.

The consultant(s) must of have knowledge of voting fraud and voter intimidation along with an understanding of the complexities, nuances and challenges which surround the topics. The EAC is particularly interested in candidates with experience in elections, with public policy and with the law. The consultant (s) must be able to demonstrate an ability to approach the issues of voting fraud and voter intimidation in a balanced, nonpartisan fashion.

Duties

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1. Identifying what constitutes voting fraud and voter intimidation affecting Federal elections.
2. Performing background research, including Federal and state-by state administrative and case law review related to voting fraud and voter intimidation, and a review of current voting fraud and voter intimidation activities taking place with key government agencies, civic and advocacy organizations. A written summary of this research, and a copy of any source documentation used, will be presented to EAC.
3. Identifying, in consultation with EAC, and convening a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The working group's goals and objectives and meeting agendas will be vetted with key EAC staff.
4. Developing a project scope of work and a project work plan related to voting fraud and voter intimidation. The consultants (s) will develop a draft scope of work and project work plan for EAC's consideration based on research into the topics, the deliberations and findings of the working group, and the consultants' understanding of EAC's mission and agency objectives.
5. Authoring a report summarizing the key findings of this preliminary study of voting fraud and voter intimidation. The report will also include suggestions for specific activities that EAC may undertake to address these topics.

From this initial research and exploration of these topics the consultant (s) may be retained to help oversee follow-on research projects and contracts EAC may pursue on the topics of voting fraud and voter intimidation.

Special Considerations

Work for Hire. The services performed under the terms of this agreement are considered "work for hire," and any intellectual property or deliverables, including but not limited to, research, policies, procedures, manuals, and other works submitted; or which are specified to be delivered; or which are developed or produced and paid for by EAC, shall be owned exclusively by EAC, including copyright. EAC or its assignees have the exclusive right to reproduce all work products from this agreement without further payment to the Contractor.

Terms and Conditions

The period of performance for this consulting contract is six months, with a fixed price ceiling of \$XXXXXX for labor. The consultant (s) is expected to work at least 200 hours in performing this work. The EAC estimates that the most efficient distribution of these hours would be as follows: XXXXX. The period of performance and level of effort can be revised in writing by mutual agreement of the EAC and the consultant, as required.

The Consultant is required to travel to the EAC Washington, D.C. offices on a periodic, as needed basis, throughout the duration of the contract. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, other approved incidental expenses, and per diem costs while working on-site at the EAC offices. An estimated \$XXXXXX has been allocated for reimbursement for travel and other allowable expenses.

Invoicing

Invoices may be submitted monthly in equal payments for labor. Expenses claimed for reimbursement shall be itemized with appropriate receipts provided. Invoices shall be delivered to Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005.

Deliverables and Timetable

Deliverable	Due Date
Draft project work plan (Phase I)	ASAP after award
Progress Reports to Contracting Officer's Representative (COR)	Monthly
A written summary of background research on voting fraud and voter intimidation.	TBD
Identifying and convening a working group knowledgeable about voting fraud and voter intimidation.	TBD
Developing a project scope of work and project work plan (Phase II)	TBD
Summary report describing key findings of this preliminary study of voting fraud and	TBD

voter intimidation	

Karen Lynn-Dyson/EAC/GOV

08/16/2005 02:52 PM

To Carol A. Paquette/EAC/GOV@EAC, Diana
Scott/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC
cc Juliet E. Thompson/EAC/GOV@EAC, Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC
bcc

Subject Finishing touches on the Statement of Work for the Voter
Fraud/Intimidation consultants

History

This message has been replied to.

All-

This morning the Commissioners approved the Statement of Work for the Voter Fraud/Voter Intimidation project consultants, with the caveat that some additional language would be added and the SOW polished up.

Tom, Peg and I are scheduled to interview the first candidate tomorrow morning at 10:00 am and will need your edits to this SOW by COB today.

I am attaching the item again, just in case you don't have a copy. Since I have an appointment out of the office and will be leaving at 4:00 today, I ask that you get your changes and edits to Nicole so that she may enter them and get the revised copy to the candidate first thing in the morning .

Thanks for your input on this.



voterfraud project consultants.2.doc
K

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

010324

Statement of Work

Assistance with developing an Election Assistance Commission (EAC) Voter Fraud and Voter Intimidation Project

Background

Section 241 of HAVA enumerates a number of periodic studies of Election Administrations issues in which the U.S. Election Assistance Commission may elect to engage. In general “On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections....”

Specifically, Section 241b 6 and 7 describes Election administration issues such as:

6. Nationwide statistics and methods of identifying, deterring and investigating voting fraud in election for Federal offices and
7. Identifying, deterring and investigation methods of voter intimidation.

Building on this HAVA reference to studies of voter fraud and voter intimidation, the EAC Board of Advisors has indicated a priority interest in further study of these issues to determine how the EAC might respond to them.

The U.S. Election Assistance Commission (EAC) seeks to identify senior-level project consultants to develop various project activities and studies related to U.S. election voter fraud and voter intimidation.

The consultant(s) must of have knowledge of voter fraud and intimidation along with an understanding of the complexities, nuances and challenges which surround the topics. The EAC is particularly interested in candidates with experience in elections, with public policy and the law. The consultant (s) must be able to demonstrate an ability to approach the issues of voter fraud and intimidation in a balanced, nonpartisan fashion.

010325

Duties

The consultant (s), whose contract would run for the period September-February, 2005, would be responsible for the following.

1. Performing background research, including a state-by state administrative and case law review related to voter fraud and intimidation, and a review of current voter fraud and intimidation activities taking place with key government agencies, civic and advocacy organizations. This review will be summarized and presented to the EAC.
2. Identifying and convening a working group of key individuals and organizations knowledgeable about the topics of voter fraud and intimidation. The list of working group members and the methods used to identify the groups members will be shared with EAC staff prior to the confirmation of the working group. The working group's goals and objectives and meeting agendas will be vetted with key EAC staff.
3. Developing a project scope of work and a project work plan related to voter fraud and intimidation. Based on research into the topics, the deliberations and findings of the working group, and the consultants' understanding of the EAC's mission and agency objectives, the consultants will develop a draft scope of work and project work plan for the EAC's consideration.
4. Authoring a report summarizing the key findings of this preliminary study of voter fraud and intimidation. The report will also include suggestions for specific activities the EAC may undertake around these topics.

From this initial research and exploration of these topics the consultant (s) may be retained to help oversee follow-on research projects and contracts EAC may develop on the topics of voter fraud and intimidation.

Special Considerations

Work for Hire Agreement (insert language)

Terms and Conditions

The period of performance for this consulting contract is six months, with a fixed price ceiling of \$XXXXXX for labor. The consultant (s) is expected to work at least 200 hours in performing this work. The EAC estimates that the most efficient distribution of these hours would be as follows: XXXXX. The period of performance and level of effort can be revised in writing by mutual agreement of the EAC and the consultant, as required.

Karen Lynn-Dyson/EAC/GOV

08/04/2005 05:01 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Carol A. Paquette/EAC/GOV@EAC, Diana Scott/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC
cc Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC, Barbara A. Costopoulos/CONTRACTOR/EAC/GOV@EAC

bcc

Subject Finalizing a Statement of Work for consultants working on a voter fraud and intimidation project

Greetings-

Tom Wilkey and I are working to schedule a series of conference calls with three consultants we have identified to work with us to help us develop the voter fraud and voter intimidation project.

We have tentatively scheduled a series of telephone interviews with these three consultants (all of whom would be hired to work on this project) for August 17, 18 and 19.

Attached you will find a draft of a Statement of Work that has been developed for these consultants. Dan Murphy's contract was used as a template for this.

I've sent this document to you all because I need your edits and corrections to this document, based on your expertise either in contracting, human resources or the subject area.

Since Tom and I will be interviewing the candidates in two weeks, I'm hoping you can react to the document and get to Tom and Nicole your changes by mid-week next week.

I will then ask Nicole to send the draft statement of work to the three candidates, so they might refer to it, prior to our interviews.

Thanks for your input and assistance.



K voterfraud project consultants.doc

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

010327

Statement of Work

Assistance with developing an Election Assistance Commission (EAC) Voter Fraud and Voter Intimidation Project

Background

Section 241 of HAVA enumerates a number of periodic studies of Election Administrations issues in which the U.S. Election Assistance Commission may elect to engage. Specifically, Section 241b 6 and 7 describe Election administration issues such as:

6. Nationwide statistics and methods of identifying, deterring and investigating voting fraud in election for Federal offices and
7. Identifying, deterring and investigation methods of voter intimidation.

Building on this reference to studies of voter fraud and voter intimidation, the EAC Board of Advisors has indicated a priority interest in further study of this issue to determine how the EAC might respond to it.

The U.S. Election Assistance Commission (EAC) seeks to identify senior-level project consultants to develop various project activities and studies related to U.S. election voter fraud and voter intimidation.

The consultant(s) must of have knowledge of voter fraud and intimidation along with an understanding of the complexities, nuances and challenges which surround the topics. The EAC is particularly interested in candidates with experience in elections, with public policy and the law. The consultant (s) must be able to demonstrate an ability to approach the issues of voter fraud and intimidation in a balanced, nonpartisan fashion.

Duties

The consultant (s), whose contract would run for the period September-February, 2005, would be responsible for the following.

1. Performing background research, including a state-by state administrative and case law review related to voter fraud and intimidation, and a review of current voter fraud and intimidation activities taking place with key government agencies, civic and advocacy organizations. This review will be summarized and presented to the EAC.

2. Identifying and convening a working group of key individuals and organizations knowledgeable about the topics of voter fraud and intimidation. The list of working group members and the methods used to identify the groups members will be shared with EAC staff prior to the confirmation of the working group. The working group's goals and objectives and meeting agendas will be vetted with key EAC staff.
3. Developing a project scope of work and a project work plan related to voter fraud and intimidation. Based on research into the topics, the deliberations and findings of the working group, and the consultants' understanding of the EAC's mission and agency objectives, develop a draft scope of work and project work plan for the EAC's consideration.
4. Authoring a report summarizing the key findings of this preliminary study of voter fraud and intimidation. The report will also include suggestions for specific activities the EAC may undertake around these topics.

From this initial research and exploration of these topics the consultant (s) may be retained to help oversee follow-on research projects and contracts EAC may develop on the topics of voter fraud and intimidation.

Special Considerations

The Consultants will be required to sign a Non-Disclosure Agreement???

The Consultants are also required to sign a Conflict of Interest declaration???

Terms and Conditions

The period of performance for this consulting contract is six months, with a fixed price ceiling of \$XXXXX for labor. The consultant (s) is expected to work at least 200 hours in performing this work. The EAC estimates that the most efficient distribution of these hours would be as follows: XXXXX. The period of performance and level of effort can be revised in writing by mutual agreement of the EAC and the consultant, as required.

Karen Lynn-Dyson/EAC/GOV

06/21/2005 01:27 PM

To . Raymundo Martinez/EAC/GOV@EAC

cc Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC, Juliet E.

bcc

Subject Your recommendations for consultants to help frame EAC's
work on voter fraud and intimidation

Ray-

As was discussed yesterday- you will get me the names of consultants and organizations who you think will be good for us to consider employing as consultants to help us frame our work around voter fraud and intimidation.

Once I have a list of names and resumes, I will work with Tom Wilkey to come up with a recommendation of a consultant or consultants to use on this project.

Thanks for your input.

K

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

010330

Karen Lynn-Dyson/EAC/GOV

05/25/2005 12:55 PM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC

cc Juliet E. Thompson/EAC/GOV@EAC

bcc

Subject Job Description for a Voter Fraud Project Consultant

Commissioners-

Attached please find a first draft of a short job description outlining EAC's expectations for a project consultant on voter fraud.

As you are aware, Julie has shared with me the resume of someone with an interest in the position. Ray has indicated that he participates in a legal list-serve group that has recently focused on voter fraud issues. This list-serve is probably a good place to "advertise" the consultant opportunity.

Let me know your thoughts on next steps. I look forward to getting this project up and running.

Regards-

K



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

010331

Job Description**U.S. Election Assistance Commission (EAC) Voter Fraud Project Consultant**

The U.S. Election Assistance Commission (EAC) seeks to identify a senior-level project consultant to assist with the oversight and development of a study and possible project examining U.S. election voter fraud.

The consultant must of have a knowledge of voter fraud and an understanding of the complexities, nuances and challenges which surround the topic. The EAC is particularly interested in candidates with experience in elections, with public policy and the law. The consultant must be able to demonstrate an ability to approach the issue of voter fraud in a balanced, nonpartisan fashion.

This consultant, whose contract would run for the period June-November, 2005, would be responsible for conceptualizing a project scope of work around the issue and from that, developing a statement of work for a research project around the topic.

In consultation with EAC staff, EAC Commissioners, and other key EAC stakeholders, the consultant will develop a project plan around voter fraud. The consultant will recommend certain EAC project activities related to voter fraud and will develop a scope of work for an EAC research study on voter fraud. The consultant will oversee and manage various processes related to EAC contracts awarded for work related to voter fraud.

EAC's consultant fees are competitive and are awarded based on the candidates' relevant background and experience.

Margaret Sims /EAC/GOV
10/06/2005 01:53 PM

To Carol A. Paquette/EAC/GOV@EAC
cc twilkey@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC,
jthompson@eac.gov, Gavin S. Gilmour/EAC/GOV@EAC
bcc
Subject Re: Voter Fraud Contract 

Carol:

This updated version is helpful to me but may be problematic for our contractors, who do not have a final contract and (I think) are unaware of the deliverable dates listed in this version. Of course, I did not inform them of these deadlines because I did not have them until today.

Unfortunately, the delay in getting the signed contracts out to our selected contractors has already adversely impacted deliverable dates for the contracts to which I have been assigned. Most contractors cannot hire researchers or commit funds without having a contract in hand, so they have had to delay their work.

--- Peggy

Carol A.
Paquette/EAC/GOV

10/06/2005 01:07 PM

To klynndyson@eac.gov@EAC
Gavin S. Gilmour/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC, Margaret
cc Sims/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subj Re: Voter Fraud Contract [Link](#)
ect

The SOWs that Karen provides below were revised for these contracts. I have attached one of these for your information, since they are identical.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

Karen
Lynn-Dyson/EAC/GOV

To Gavin S. Gilmour/EAC/GOV@EAC
cc Carol A. Paquette/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC, Margaret

010333

10/06/2005 12:28 PM

Sims/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC

Subject: Re: Voter Fraud Contract [Link](#)

Gavin-

A few answers to your questions:

They have not received contracts but did receive a Statement of Work about a month ago.

That Statement of Work does not reference use of Westlaw or a law clerk. I have no recollection of offering such services. I have, however, had many conversations with Tova and Job. At some point I may have said that because the EAC has Westlaw and legal interns, there may or may not be a way from Job and Tova to avail them of these services.

The Statements of Work developed (see draft attached) were used in place of an RFP. Tova and Job are to serve as consultants on a project that may or may not result in their developing an RFP on voting fraud and intimidation for the EAC.

K

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

Gavin S.
Gilmour/EAC/GOV

To Karen Lynn-Dyson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC

10/06/2005 11:50 AM

cc Carol A. Paquette/EAC/GOV@EAC
Subject: Voter Fraud Contract

010334

Karen/Tom,

Peggy held a meeting with voting fraud/intimidation contractors. In this meeting they noted that despite the fact that the contract requires them to perform legal research, they do not have the means to do so (no access to Westlaw, etc..). They noted that in discussions with the two of you, they were told that the EAC would provide them access to West Law and, possibly, a law clerk with office space. None of this is noted in the contract. They claim to have never seen the contract? Do we have their response to our RFP? We will all need to meet to clarify this.

GG

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



Wang consulting contract.doc Job Serebrov sow.doc Tova Wang sow.doc

010335

**EAC CONTRACT #05-66 Consulting Services to Assist EAC
in the Development of a Voting Fraud and Voter Intimidation Project**

Background

Section 241 of HAVA lists a number of election administration topics on which the U.S. Election Assistance Commission may elect to do research. In particular, Section 241(b) (6) and (7) state the two topics of nationwide statistics and methods of identifying, deterring and investigating voting fraud in election for Federal offices; and identifying, deterring and investigating methods of voter intimidation. The EAC Board of Advisors has recommended that the EAC make research on these topics a high priority.

Due to the unavailability of internal staff, EAC needs to obtain consulting services to conduct a preliminary examination of these topics to determine if a larger research project might be warranted. If so, the consultant would also be tasked to define the scope of the project and prepare a Statement of Work for the EAC to use for a subsequent competitive procurement. To promote a balanced and non-partisan approach to this effort, EAC is contracting with two consultants, who will work jointly to perform the work described below and produce the required deliverables.

Tasks

1. Develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections. Submit this description to the EAC for review and approval.
2. Using the description developed in Task 1, perform background research, including both Federal and State administrative and case law review, and a summation of current activities of key government agencies, civic and advocacy organizations regarding these topics. Deliver a written summary of this research and all source documentation.
3. In consultation with EAC, identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. Provide the Working Group with the results of Tasks 1 and 2 as background information. Develop a discussion agenda and convene the Working Group with the objective of identifying promising avenues for future research by EAC.
4. Prepare a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future research resulting from this effort.

5. Should the EAC decide to pursue one or more of the Task 4 recommendations, Consultant shall define appropriate project scope(s) and prepare Statement(s) of Work sufficient to issue for competitive procurement.

Special Considerations

Work for Hire. The services performed under the terms of this agreement are considered “work for hire,” and any intellectual property or deliverables, including but not limited to research, policies, procedures, manuals, and other works submitted; or which are specified to be delivered; or which are developed or produced and paid for by EAC, shall be owned exclusively by EAC, including copyright. EAC or its assignees have the exclusive right to reproduce all work products from this agreement without further payment to the Contractor.

Acceptance of Work Product. The EAC Project Manager for this effort is Margaret Sims, EAC Research Specialist, who will review and approve all work.

Period of Performance and Compensation

The period of performance for this contract is six months, with a fixed price ceiling of \$50,000 for labor. The Consultant is expected to work at least 450 hours during this period. The EAC suggests that these hours be distributed evenly over the period so that the Consultant is working approximately 20 hours per week. The period of performance and level of effort can be revised in writing by mutual agreement of the EAC and the consultant, if required.

The Consultant is required to travel to the EAC Washington, D.C. offices on a periodic, as needed basis, throughout the duration of the contract. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, other approved incidental expenses, and per diem costs while working on-site at the EAC offices. A total of \$5,000 has been allocated for reimbursement for travel and other allowable expenses.

Invoicing

Invoices may be submitted monthly in equal payments for labor. Expenses claimed for reimbursement shall be itemized with appropriate receipts provided. Invoices shall be delivered to Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005.

Contract Termination

This contract can be terminated in advance of the current end date by two weeks' notice in writing by either of the parties.

Deliverables and Timetable

Deliverable	Due Date
Project work plan	10 days after contract award
Progress reports	monthly
Description of voting fraud and voter intimidation	October 2005
Summary of background research and associated source documentation	January 2006
Convene working group	February 2006
Summary report describing findings and recommendations for future EAC research	March 2006
Statement(s) of Work for future research project(s)	TBD

Statement of Work

Assistance with developing an Election Assistance Commission (EAC) Voting Fraud and Voter Intimidation Project

(Job Serebrov)

Background

Section 241 of HAVA enumerates a number of periodic studies of election administration issues in which the U.S. Election Assistance Commission may elect to engage. In general “On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b)”

Sections 241(b) (6) and (7) list the following election administration issues:

(6) Nationwide statistics and methods of identifying, deterring and investigating voting fraud in election for Federal offices.

(7) Identifying, deterring and investigating methods of voter intimidation.

Building on this HAVA reference to studies of voting fraud and voter intimidation, the EAC Board of Advisors has indicated that further study of these issues to determine how the EAC might respond to them is a high priority.

The U.S. Election Assistance Commission (EAC) seeks to identify one or more senior-level project consultants to develop various project activities and studies related to voting fraud and voter intimidation affecting Federal elections.

The consultant(s) must of have knowledge of voting fraud and voter intimidation along with an understanding of the complexities, nuances and challenges which surround the topics. The EAC is particularly interested in candidates with experience in elections, with public policy and with the law. The consultant (s) must be able to demonstrate an ability to approach the issues of voting fraud and voter intimidation in a balanced, nonpartisan fashion.

010339

Duties

The consultant(s), whose contract would run for the period September-February, 2005, would be responsible for the following.

1. Identifying what constitutes voting fraud and voter intimidation affecting Federal elections.
2. Performing background research, including Federal and state-by state administrative and case law review related to voting fraud and voter intimidation, and a review of current voting fraud and voter intimidation activities taking place with key government agencies, civic and advocacy organizations. A written summary of this research, and a copy of any source documentation used, will be presented to EAC.
3. Identifying, in consultation with EAC, and convening a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The working group's goals and objectives and meeting agendas will be vetted with key EAC staff.
4. Developing a project scope of work and a project work plan related to voting fraud and voter intimidation. The consultants (s) will develop a draft scope of work and project work plan for EAC's consideration based on research into the topics, the deliberations and findings of the working group, and the consultants' understanding of EAC's mission and agency objectives.
5. Authoring a report summarizing the key findings of this preliminary study of voting fraud and voter intimidation. The report will also include suggestions for specific activities that EAC may undertake to address these topics.

From this initial research and exploration of these topics the consultant (s) may be retained to help oversee follow-on research projects and contracts EAC may pursue on the topics of voting fraud and voter intimidation.

Special Considerations

Work for Hire. The services performed under the terms of this agreement are considered "work for hire," and any intellectual property or deliverables, including but not limited to, research, policies, procedures, manuals, and other works submitted; or which are specified to be delivered; or which are developed or produced and paid for by EAC, shall be owned exclusively by EAC, including copyright. EAC or its assignees have the exclusive right to reproduce all work products from this agreement without further payment to the Contractor.

Terms and Conditions

The period of performance for this consulting contract is six months, with a fixed price ceiling of \$XXXXXX for labor. The consultant (s) is expected to work at least 200 hours in performing this work. The EAC estimates that the most efficient distribution of these hours would be as follows: XXXXX. The period of performance and level of effort can be revised in writing by mutual agreement of the EAC and the consultant, as required.

The Consultant is required to travel to the EAC Washington, D.C. offices on a periodic, as needed basis, throughout the duration of the contract. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, other approved incidental expenses, and per diem costs while working on-site at the EAC offices. An estimated \$XXXXXX has been allocated for reimbursement for travel and other allowable expenses.

Invoicing

Invoices may be submitted monthly in equal payments for labor. Expenses claimed for reimbursement shall be itemized with appropriate receipts provided. Invoices shall be delivered to Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005.

Deliverables and Timetable

Deliverable	Due Date
Draft project work plan (Phase I)	ASAP after award
Progress Reports to Contracting Officer's Representative (COR)	Monthly
A written summary of background research on voting fraud and voter intimidation.	TBD
Identifying and convening a working group knowledgeable about voting fraud and voter intimidation.	TBD
Developing a project scope of work and project work plan (Phase II)	TBD
Summary report describing key findings of this preliminary study of voting fraud and	TBD

voter intimidation	

Statement of Work

Assistance with developing an Election Assistance Commission (EAC) Voting Fraud and Voter Intimidation Project

(Tova Wang)

Background

Section 241 of HAVA enumerates a number of periodic studies of election administration issues in which the U.S. Election Assistance Commission may elect to engage. In general “On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b)”

Sections 241(b) (6) and (7) list the following election administration issues:

(6) Nationwide statistics and methods of identifying, deterring and investigating voting fraud in election for Federal offices.

(7) Identifying, deterring and investigating methods of voter intimidation.

Building on this HAVA reference to studies of voting fraud and voter intimidation, the EAC Board of Advisors has indicated that further study of these issues to determine how the EAC might respond to them is a high priority.

The U.S. Election Assistance Commission (EAC) seeks to identify one or more senior-level project consultants to develop various project activities and studies related to voting fraud and voter intimidation affecting Federal elections.

The consultant(s) must of have knowledge of voting fraud and voter intimidation along with an understanding of the complexities, nuances and challenges which surround the topics. The EAC is particularly interested in candidates with experience in elections, with public policy and with the law. The consultant (s) must be able to demonstrate an ability to approach the issues of voting fraud and voter intimidation in a balanced, nonpartisan fashion.

Duties

The consultant(s), whose contract would run for the period September-February, 2005, would be responsible for the following.

1. Identifying what constitutes voting fraud and voter intimidation affecting Federal elections.
2. Performing background research, including Federal and state-by state administrative and case law review related to voting fraud and voter intimidation, and a review of current voting fraud and voter intimidation activities taking place with key government agencies, civic and advocacy organizations. A written summary of this research, and a copy of any source documentation used, will be presented to EAC.
3. Identifying, in consultation with EAC, and convening a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The working group's goals and objectives and meeting agendas will be vetted with key EAC staff.
4. Developing a project scope of work and a project work plan related to voting fraud and voter intimidation. The consultants (s) will develop a draft scope of work and project work plan for EAC's consideration based on research into the topics, the deliberations and findings of the working group, and the consultants' understanding of EAC's mission and agency objectives.
5. Authoring a report summarizing the key findings of this preliminary study of voting fraud and voter intimidation. The report will also include suggestions for specific activities that EAC may undertake to address these topics.

From this initial research and exploration of these topics the consultant (s) may be retained to help oversee follow-on research projects and contracts EAC may pursue on the topics of voting fraud and voter intimidation.

Special Considerations

Work for Hire. The services performed under the terms of this agreement are considered "work for hire," and any intellectual property or deliverables, including but not limited to, research, policies, procedures, manuals, and other works submitted; or which are specified to be delivered; or which are developed or produced and paid for by EAC, shall be owned exclusively by EAC, including copyright. EAC or its assignees have the exclusive right to reproduce all work products from this agreement without further payment to the Contractor.

010344

Terms and Conditions

The period of performance for this consulting contract is six months, with a fixed price ceiling of \$XXXXXX for labor. The consultant (s) is expected to work at least 200 hours in performing this work. The EAC estimates that the most efficient distribution of these hours would be as follows: XXXXX. The period of performance and level of effort can be revised in writing by mutual agreement of the EAC and the consultant, as required.

The Consultant is required to travel to the EAC Washington, D.C. offices on a periodic, as needed basis, throughout the duration of the contract. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, other approved incidental expenses, and per diem costs while working on-site at the EAC offices. An estimated \$XXXXXX has been allocated for reimbursement for travel and other allowable expenses.

Invoicing

Invoices may be submitted monthly in equal payments for labor. Expenses claimed for reimbursement shall be itemized with appropriate receipts provided. Invoices shall be delivered to Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005.

Deliverables and Timetable

Deliverable	Due Date
Draft project work plan (Phase I)	ASAP after award
Progress Reports to Contracting Officer's Representative (COR)	Monthly
A written summary of background research on voting fraud and voter intimidation.	TBD
Identifying and convening a working group knowledgeable about voting fraud and voter intimidation.	TBD
Developing a project scope of work and project work plan (Phase II)	TBD
Summary report describing key findings of this preliminary study of voting fraud and	TBD

voter intimidation	

Thomas R. Wilkey/EAC/GOV
10/06/2005 11:57 AM

To Gavin S. Gilmour/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV, Margaret Sims/EAC/GOV, Juliet E.
Thompson/EAC/GOV
cc Carol A. Paquette/EAC/GOV

bcc

Subject Re: Voter Fraud Contract

Please do

Sent from my BlackBerry Wireless Handheld
Gavin S. Gilmour

From: Gavin S. Gilmour
Sent: 10/06/2005 11:50 AM
To: Karen Lynn-Dyson; Margaret Sims; Juliet Thompson; Thomas Wilkey
Cc: Carol Paquette
Subject: Voter Fraud Contract

Karen/Tom,

Peggy held a meeting with voting fraud/intimidation contractors. In this meeting they noted that despite the fact that the contract requires them to perform legal research, they do not have the means to do so (no access to Westlaw, etc..). They noted that in discussions with the two of you, they were told that the EAC would provide them access to West Law and, possibly, a law clerk with office space. None of this is noted in the contract. They claim to have never seen the contract? Do we have their response to our RFP? We will all need to meet to clarify this.

GG

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

010347

**Deliberative Process
Privilege**



Gracia Hillman/EAC/GOV
03/19/2007 03:58 PM

To Juliet E. Hodgkins/EAC/GOV@EAC

cc Caroline C. Hunter/EAC/GOV@EAC, "Davidson, Donetta"
<ddavidson@eac.gov>, jlayson@eac.gov, Karen
Lynn-Dyson/EAC/GOV@EAC,

bcc

Subject Re: Revised Voter ID statement with Eagleton comments to
paragraph 2 

I think Comm Rodriguez makes a good point about the document needing a different title. Also, it is my understanding that Jeannie has not yet edited the draft and therefore has not yet considered layout, subtitles, typos, etc.

I have raised three concerns/questions in Footnotes 2 and 4 and in the bullet that address the working group meeting.

Lastly, I have lost track of where we are with consideration of releasing the full report. The draft document does not do that, however I thought there was a suggestion that we should consider releasing the full report?



Voter ID edited 31507- changes accepted with Eagleton comments.doc

010348

EAC Statement on Future Study of Voter Identification Requirements

Background

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. In May 2005, EAC contracted with Rutgers, the State University of New Jersey through its Eagleton Institute of Politics ("Contractor") to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches.

The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Drawing on its nationwide review and legal analysis of state statutes and regulations for voter identification, the contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election – November 2004. For example, the turnout rate in 2004 in states that required the voter to provide a photo identification document¹ was compared to the turnout rate in 2004 in states with a requirement that voters give his or her name in order to receive a ballot. Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates² and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau.³

The Contractor presented testimony summarizing its findings from this statistical and data analysis at the February 8, 2007 public meeting of the U.S. Election Assistance Commission. The Contractor's testimony, its summary of voter identification requirements by State, its summary of court decisions and literature on voter identification and related issues, an annotated bibliography on voter identification issues and its summary of state statutes and regulations affecting voter identification are attached to this report and can also be found on EAC's website, www.eac.gov.

Comment [GH1]: In Footnote #2:
Regarding the estimate of non-citizens.
Perhaps this could be clarified to say
whether the % of non-citizens was in the
VAP or of the US population as whole. It
is not clear to me.

EAC Recommendations for further study and next steps

¹ In 2004, three of the states that authorized election officials to request photo identification allowed voters to provide a non-photo ID and still vote a regular ballot and two others permitted voters who lacked photo ID to vote a regular ballot by swearing and affidavit.

² The July 2004 estimates for voting age population were provided by the U.S. Census Bureau. Because these numbers include non-citizens, the Contractor reduced the numbers by the same percentage the U.S. Census Bureau estimated were non-citizens in 2000. Estimates of voting age population include persons who are not registered to vote.

³ The Current Population Survey is based on reports from self-described registered voters who also describe themselves as U.S. citizens.

EAC finds the Contractor's summary of States' voter identification requirements and its summary of state laws, statutes, regulations and litigation surrounding the implementation of voter identification requirements, to be a first step in the Commission's efforts to study the possible impact of voter identification requirements.

However, EAC has concerns regarding the data, analysis, and statistical methodology the Contractor used to analyze voter identification requirements to determine if these laws have an impact on turnout rates. The Contractor used a single election's statistics to conduct this analysis. The two sets of data came from the Census Bureau and included persons who were not eligible to and did not vote. The first analysis using averaged county-level turnout data from the U.S. Census showed no statistically significant correlations. So, a second analysis using a data set based upon the Current Population Survey (which was self-reported and showed a significantly higher turnout rate than other conventional data) was conducted that produced only some evidence of correlation between voter identification requirements and turnout. Furthermore, the initial categorization of voter identification requirements included classifications that actually require no identification at all, such as "state your name." The research methodology and the statistical analysis used by the Contractor were questioned by independent working and peer review groups comprised of social scientists and statisticians. The Contractor and the EAC agree that the report raises more questions than provides answers.⁴ Thus, EAC will not adopt the Contractor's study and will not issue an EAC report based upon this study. EAC, however, is releasing the data and analysis conducted by Contractor.

Comment [GH2]: There is no page 109 in the Eagleton Testimony that was presented on 2/8/07, so I am not clear what document the public is being directed to see.

EAC will engage in a longer-term, more systematic review of voter identification requirements. Additional study on the topic will include more than one Federal election cycle, additional environmental and political factors that effect voter participation, and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

EAC will undertake the following activities:

- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states' requirements which require a voter to state this or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.

⁴ See EAC Public Testimony, February 8, 2007, page 109.

- Convene, by mid-2007, a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include methodology, specific issues to be covered in the study and timelines for completing an EAC study on voter identification.
- Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud, study the effects of voter identification provisions, or the lack thereof, on early, absentee and vote-by-mail voting. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender.
- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

Comment (GH3): Is it realistic that this meeting will be convened by June 30? Perhaps we should say "Convene in 2007 a working

DRAFT

**Deliberative Process
Privilege**



Elieen L. Kuala/EAC/GOV
03/19/2007 02:15 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
bcc

Subject Fw: Short introduction to the Eagleton Voter ID report

Donetta asked me to forward you these materials on Voter ID

Elle L.K. Kuala
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392
blackberry: (202) 294-9251

— Forwarded by Elieen L. Kuala/EAC/GOV on 03/19/2007 02:14 PM —

Karen Lynn-Dyson/EAC/GOV
01/26/2007 11:36 AM

To Donetta L. Davidson/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
cc

Subject Re: Short introduction to the Eagleton Voter ID report 

Chair Davidson and Julie-

Attached are the two draft documents I have created related to the Voter Identification Study.

I look forward to our 2:00 PM conversation.



EAC Voter ID Report.doc New EAC Voter ID Report.doc

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

010352

EAC Report on Voter Identification

Executive Summary

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. HAVA Section 303 (b) mandates that first time voters who register by mail are required to show proof of identity before being allowed to cast a ballot. The law prescribes certain requirements concerning this section, but also leaves considerable discretion to the States for its implementation. The EAC sought to examine how these voter identification requirements were implemented in the 2004 general elections and to prepare guidance for the states on this topic.

In May 2005 EAC entered into a contract with the Eagleton Institute of Politics at Rutgers, the State University of New Jersey and the Moritz College of Law at the Ohio State University to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the contractor was to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and recommend various policies that could be applied to these approaches.

The contractor also performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Using two sets of data, aggregate turnout data at the county level for each state, and reports of individual voters collected in the November 2004 Current Population Survey conducted by the U.S. Census Bureau, the contractor found the overall relationship between the stringency of ID requirements and turnout to be fairly small, but statistically significant.

Based on The Eagleton Institute year-long inquiry into voter identification requirements EAC will implement one or more of the following recommendations:

- Further research into the connection between voter ID requirements and the number of ballots cast and counted;
- A state-by-state review of the impact that voter ID requirements are having on voter's participation;
- A state-by-state review of the relationship between ballot access and ballot security and the number of voters whose ballot is counted;
- A state-by-state review of time periods between voters casting of provisional ballots and the time allowed to return with an ID as well as a review of acceptable forms of identification other than photo ID.

Introduction

This study was conducted at a time in which considerable attention is being paid to the issue of voter identification. Proponents of stricter identification requirements base their case on improving the security of the ballot by reducing opportunities for multiple voting or voting by those who are not eligible. The goal is to ensure that only those legally entitled to vote do so, and do so only once at each election. Opponents of stricter ID requirements seek to ensure broad access to a regular ballot. There is a fear that some voters -- racial and ethnic minorities, young and elderly voters-- lack convenient access to required ID documents, or that these voters may be fearful of submitting their ID documents for official scrutiny.

This report considers policy issues associated with the voter ID debate. It examines the relationships between voter ID requirements and voter turnout along with the various policy implications of the issue.

Methodology of the Study

In May 2005, under contract with the EAC, the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at the Ohio State University undertook a review and legal analysis of state statutes, regulations and litigation concerning voter identification and provisional voting as well as a statistical analysis of the relationship of various requirements for voter identification to turnout in the 2004 election. The contract also included research and study related to provisional voting requirements. These research findings were submitted and reviewed by the EAC as a separate study.

The Eagleton Institute of Politics gathered information on the voter identification requirements in 50 states and the District of Columbia for 2004. Based on interpretations of state statutes and supplemental information provided through conversations with state election officials, state ID requirements were divided into five categories, with each category of identification more rigorous than the one preceding: stating name, signing name, signature match, presenting an ID, and the most rigorous, presenting a government photo ID. The Eagleton Institute also categorized and identified each state according to maximum and minimum identification requirements. Maximum requirements refer to the most that voters may be asked to do or show at the polling place. Minimum requirements refer to the most that voters can be required to do or show in order to cast a regular ballot. These definitions and the subsequent state-by-state analysis of voter identification requirements omitted those cases in which a particular voter's eligibility might be questioned using a state's voter ballot challenge process.

Two data sets were used to apply the criteria (variables) that were developed above: aggregate voter turnout data at the county level which was gathered from the EAC's 2004 Election Day Survey and; reports of individual voters collected through the November 2004 Current Population Survey administered by the U.S. Census Bureau. Use of EAC

survey data and Census Bureau CPS data provided a way to cross-check the validity of the analysis and conclusions that would be drawn regarding the effect of voter ID requirements on voter turnout.

Study Oversight and Methodological Review

A draft of the Eagleton Institute report and findings on voter identification requirements was critiqued by a peer review group convened by the Eagleton Institute. A second review of the study's research and statistical methodologies was conducted using a group of research and statistical experts independently convened by the EAC. Comments and insights of the peer review group members were taken into account in the drafting of a study report although there was not unanimous agreement among the individual reviewers regarding the study findings and recommendations.

The Eagleton Institute of Politics Peer Review Group

R Michael Alvarez, California Institute of Technology
John C. Harrison, University of Virginia School of Law
Martha E. Kropf, University of Missouri-Kansas City
Daniel H. Lowenstein, University of California at Los Angeles
Timothy G. O'Rourke, Salisbury University
Bradley Smith, Capital University Law School
Tim Storey, National Conference of State Legislatures
Peter G. Verniero, former Attorney General, State of New Jersey

The EAC Peer Review Group

Jonathan Nagler, New York University
Jan Leighley, University of Arizona
Adam Berninsky, Massachusetts Institute of Technology

Summary of the Research

Maximum and Minimum Voter Identification Requirements

In order to analyze what, if any, correlation may exist between a State's voter identification requirements and voter turnout, the Eagleton Institute first coded a state according to how demanding its voter ID requirement was. The voter ID requirement, ranked from lowest to highest was as follows: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification and, providing a form of photo identification. Several possible caveats to this ranking system were noted. For all states which had photo identification requirements in 2004, voters

without a photo ID were permitted to cast a regular ballot after signing an affidavit regarding his or her identity and eligibility. These voters were also allowed to provide other forms of ID. The researchers also noted that while each state may be assigned to a category, that categorization may not reflect the actual practice related to voter identification that may or may not have taken place at many polling places.

Research performed for this study by the Moritz College of Law found that states had five different types of **maximum** identification requirements in place on Election Day 2004. For the purposes of this study a requirement that called for a signed affidavit or the provision of other forms of ID was considered the most rigorous or the “maximum” requirement. At the polling place voters were asked to:

- State his or her name (10 states)
- Sign his or her name (13 states and the District of Columbia)
- Sign his or her name, which would be matched to a signature on file (seven states)
- Provide a form of identification that did not necessarily include a photo (15 states)
- Provide a photo identification (five states)

Using the same criteria, but applying them as **minimum** rather than maximum criteria for voting the research showed: **(check this section- it doesn't really make sense)**

- State his or her name (12 states)
- Sign his or her name (14 states and the District of Columbia)
- Matching the voter's signature to the signature on file (6 states)
- Provide a non-photo identification (14 states)
- Swear by an affidavit (4 states)

The results of the research are summarized in Table 1.

Election laws in several states offer exceptions to these ID requirements if potential voters lack the necessary form of identification. Laws in these states set a minimum requirement that a voter may be required to satisfy in order to vote using a regular ballot. In 2004 none of the states required photo identification as a minimum standard for voting with a regular ballot. That is, voters who lacked photo ID were allowed to vote in all states, if he or she was able to meet another ID requirement.

The Relationship of Voter Identification Requirements to Voter Turnout

A statistical analysis examining the variation in turnout rates based on the type of voter ID required by each state in the 2004 election was conducted using two sets of data: 1) aggregate turnout data at the county level for each state (compiled by the Eagleton Institute of Politics-**footnote about how they collected the data**) and 2) individual level survey data included in the November 2004 Current Population Survey (CPS), conducted by the U.S. Census Bureau.

The analysis looked at the voter identification requirements as a continuous variable and as a series of discrete variables. As a continuous variable the maximum voter identification requirements were ranked according to how demanding they were judged to be, with photo identification considered to be the most demanding requirement (**what about affidavit????**). Used as discrete variable, the statistical analysis considered stating the name as the least demanding ID requirement; the other ID requirements were then compared to that requirement.

Aggregate-level statistical analysis

The statistical analysis performed by the Eagleton Institute of Politics found that when averaging across counties in each state, statewide turnout is negatively correlated to maximum voter identification requirements ($r = -.30$, p less than .05). When a statistical analysis is performed on the other minimum voter ID requirements (with affidavit being the most demanding requirement), the correlation between voter identification and turnout is negative, but not statistically significant ($r = -.20$, $p = .16$). These findings would suggest that the relationship between turnout rates and minimum requirements may not be linear.

The aggregate data show that 60.9 percent of the estimated citizen voting age population voted in 2004. Taking into account the maximum requirements, an average of 64.6 percent of the voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. A similar trend was found when analyzing minimum ID requirements: Sixty-three percent of the voting age population turned out in states requiring voters to state their name, compared to 60.1 percent in states that required an affidavit from voters. This analysis showed there was not a clear, consistent linear relationship between turnout and minimum identification requirements.

(insert table 2- Variation in 2004 State Turnout Based on Voter Identification Requirements)

Multivariate models of analysis using aggregate-level data

The Eagleton Institute of Politics performed an additional analysis that would estimate the effects of voter identification requirements, that took into account the electoral context in 2004 and, the demographic characteristics of the population in each county. The model also considers such variables as whether or not the county was 1) in a presidential battleground state, 2) if the county was in a state with a competitive race for government and/or the U.S. Senate, 3) the percentage of voting-age population in each county that was Hispanic or African-American 4) the percentage of county residents age 65 and older, 5) the percent of county residents below the poverty line, and 6) the number of days between each state's registration deadline and the election.

The results of this statistical modeling and subsequent analysis indicated that the stricter voter ID requirements of matching a voter's signature to a signature on file or with presenting a non-photo identification are associated with lower voter turnout when compared to voter turnout in states that required voters to simply state his or her name. These conclusions were reached when variables 1-5 listed above were held constant.

Other results from the Eagleton Institute analysis of stricter voter identification requirements showed that:

- Increased voter turnout was associated with whether the county was in a battleground state or whether that state have a competitive race for governor and/or U.S.Senate.
- A slight negative effect on turnout was correlated with those state's with a longer time between the closing date for registration and the election.
- Voter turnout declined as the percentage of Hispanics in a county's population increased.
- Higher turnout (and a positive correlation) was associated with a higher percentage of senior citizens and household median income.
- The percentage of African-Americans in the county did not have a significant effect on turnout.

The Eagleton Institute analysis of minimum voter identification requirements showed that:

- A relationship between minimum voter ID requirements and turnout was not demonstrated.
- Battleground states and those with competitive state races had a significant and positive correlation to turnout.
- A higher percentage of senior citizens in the county and higher household median income were associated with higher turnout and showed a positive correlation to turnout.
- The percentage of Hispanics in the county was associated with reduced turnout.
- The increased number of days between the closing date for registration was associated with reduced turnout.

The analysis of these aggregate, county-level data showed a significant correlation, between maximum voter identification requirements (a signature match and non-photo

identification, but not a photo identification) and lower turnout in the 2004 election. This correlation was also significant when compared to the minimum voter ID requirement of the voter simply having to state his or her name.

Multivariate analysis using individual level turnout data

This analysis which used November 2004 Current Population Survey data conducted by the U.S. Census Bureau is based on reports from self-described registered voters. Not included in the analysis are persons who said they are not registered to vote, those who said they cast absentee ballots and those who said they were not U.S. citizens. The CPS' Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents. (why is the N is Table 3 54,973?)

In addition to the five maximum voter identification requirements (enumerated on page XX) the analysis performed included other socioeconomic, demographic and political factors that could have influenced turnout in the 2004 election. These independent variables were analyzed against the dependent variable of whether or not the respondent said he or she voted in the November 2004 election.

In this analysis three of the voter identification requirements were shown to have a statistically significant correlation with whether or not the survey respondents said they have voted in 2004. Lower voter turnout was associated with:

- those states with maximum voter requirements to sign one's name,
- those states with maximum voter requirements to provide a non-photo ID or photo ID, or
- those states with the minimum voter requirement to swear by an affidavit in order to cast a ballot without the state-required identification

Increased voter turnout showed:

- A significant correlation with the competitiveness of the Presidential race (explain).
- African-American voters were more likely than white or other voters to say they have voted.
- Income and marital status were positive predictors of voting (high income or low income, single, married?),
- Women were more likely to say they voted than men.
- Those ages 45 to 64 and 65 and older were more likely to say they voted than those ages 18 to 24.
- Those who earned a high school diploma, attended some college, graduated from college or attended graduate school were more likely to say they have voted than those who had not finished high school.

Analysis of the predicted probability of voter turnout using the individual data

Using this Census Bureau Current Population Survey data the Eagleton Institute of Politics performed an additional statistical analysis in which they calculated the effect of various independent variables on the probability that a respondent said he or she voted. This analysis, involving 54,973 voters cross-tabulated the maximum and minimum voter identification requirements in each state with the five levels of voting requirements: stating name, signing name, matching the signature, a non-photo ID, photo-ID signing an affidavit. The results of these **Predicted Probability of Voter Turnout for all Voter** tabulations are summarized in Table 3 below:

From this analysis, the Eagleton Institute of Politics found that three of the voter identification requirements (**which ones?**) exerted a statistically significant, negative effect on whether or not the CPS survey respondents said they had voted in 2004. That is, compared to states that require voters to only state their name, those states which require the voter to sign his or her name, to provide a non-photo ID, or to provide a photo ID as a maximum requirement, were shown to have a negative influence on turnout. Also, a negative influence on turnout was found when comparing those states that require voters to only state their name, as compared to those states which have as a minimum requirement for verifying voter ID, signing an affidavit.

This probability analysis also found that the competitiveness of the presidential race had a significant effect on turnout as well as some significant demographic and educational effects. For the entire voting population signature, non-photo identification and photo identification requirements were all associated with lower turnout rates compared to the requirements that voter simply state their names. The analysis further found that:

- The predicted probability that Hispanics would vote in states that required non-photo identification was about 10 percentage points lower than in states where Hispanic voters gave their names and that Hispanic voters were less likely to vote in states that required non-photo identification as opposed to only having to state one's name.
- Hispanic voters were 10 percent less likely to vote in non-photo identification states compared to states where voters only had to give their name. African American and Asian-American voters were about 6 percent less likely, while white voters were about 2 percent less likely.
- Asian-American voters were 8.5 percent less likely to vote in states that required non-photo identification compared to states that require voters to state their names under the maximum requirements, while they were 6.1

percent less likely to vote where non-photo identification was the minimum requirement.

- For those with less than a high school diploma, the probability of voting was 5.1 percent lower in states that required photo identification as the maximum requirement and 7 percent lower in those states that required an affidavit as the minimum requirement. These percentages were arrived at when comparing these states to ones that use as a minimum or maximum requirement, the voter to merely state his or her name.

Conclusions from the statistical analysis

The statistical analysis found that as voter identification requirements vary, so do voter turnout rates. These findings were borne out through analyses conducted on aggregate data and individual-level data. There were, however, some distinctions found depending upon whether or not the state's particular voter identification requirements were set as minimums or maximums.

- The overall relationship between voter identification requirements and turnout for all registered voters was found to be small but statistically significant.
- Using the aggregate data the signature match and the non-photo identification requirement correlated with lower turnout. The photo identification requirement did not have a statistically significant effect.
- In the individual-level data the signature, no-photo identification and photo identification requirement were all correlated with lower turnout when compared to the requirements that voter simply state their names.
- Across various demographic groups (African-Americans, Asian-Americans and Hispanics) a statistically significant relationship was found between the non-photo identification requirement and voter turnout

Caveats to the Analysis

The Eagleton Institute for Politics and the EAC make note that while this analysis is a good beginning, significant questions remain regarding the relationship between voter identification requirements and turnout. These analyses are unable, for example, to capture how or why identification requirements might lower turnout. That is, is it because voters are aware of the identification requirements and stay away from the polls because of them? Alternatively, do the requirements result in some voters being turned away when they cannot provide the identification, or must cast a provisional ballot?

Knowing more about the “on the ground” experience of voters regarding various identification requirements will guide state and local level policy makers in their efforts to educate voters about the requirements. These experiences could also help instruct election judges on how to handle questions and possible disputes over voter identification requirements.

Public Policy and Administrative Considerations

Voter Identification, often described as the critical step in protecting the integrity of the ballot, is a process which can ensure that the potential voter is eligible and, if eligible, is permitted to cast one ballot. A voting system that requires voters to produce an identification document or documents may prevent the ineligible from voting, but also may prevent the eligible from casting a ballot.

Evaluating the effect of different voter identification regimes can be most effective when based on clear legal, equitable and practical standards. The questions outlined below might point policymakers to standards that can be created around voter identification requirements.

1. Is the voter ID system designed on the basis of valid and reliable empirical studies the will address concerns regarding certain types of voting fraud?
2. Does the voter ID requirement comply with the letter and spirit of the Voting Rights Act?
3. How effective is the voter ID requirement on increasing the security of the ballot and can it be coordinated with the statewide voter registration database?
4. How feasible is the voter identification requirement? That is, are there administrative or budgetary considerations or concerns? How easy or difficult will it be for pollworkers who must administer the requirement?
5. How cost effective is the voter ID system? That is, what are the monetary and non-monetary costs to the voter and to the state for implementing the ID system?
6. If voter ID requirements are shown to reduce voter turnout (generally, or with some particular groups), what possible steps should be taken to ameliorate this problem?

Recommendations and Next Steps

As the Federal agency charged with informing election officials and the public about various issues related to the administration of elections EAC believes it should, in its capacity as a supporter of elections research, undertake additional study into the topic of voter identification requirements and the implementation of them in the following ways:

- Longitudinal studies of jurisdictions that have changed voter identification requirements.

- State-by-state and precinct-level analyses that will examine the correlations between various voter identification requirements and voter registration and turnout
- Alternative forms and methods for verifying a voter's identity.
- Continuing research into the connection between various voter identification requirements and the number of ballots cast and counted
- A continuing state-by-state update on changes to voter identification requirements.
- Continued collection of state-by-state data which will help examine the impact that voter identification requirements are having on the number of voters who are casting provisional ballots because of voter identification verification issues.

Appendix A: Summary of Voter Identification Requirements by State

Appendix B: Court Decisions and Literature on Voter Identification and Related Issue Court Decisions

Appendix C: Annotated Bibliography on Voter Identification Issues

DRAFT

EAC Statement on Future Study of Voter Identification Requirements

Background

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. HAVA Section 303 (b) mandates that first time voters who register by mail are required to show proof of identity before being allowed to cast a ballot. The law prescribes certain requirements concerning this section, but also leaves considerable discretion to the States for its implementation. The EAC sought to examine how these voter identification requirements were implemented in the 2004 general elections and to prepare guidance for the states on this topic.

In May 2005 EAC entered into a contract with the Eagleton Institute of Politics at Rutgers, the State University of New Jersey and the Moritz College of Law at the Ohio State University to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the contractor was to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and recommend various policies that could be applied to these approaches.

The contractor also performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Using two sets of data-- aggregate turnout data at the county level for each state, and reports of individual voters collected in the November 2004 Current Population Survey conducted by the U.S. Census Bureau-- the contractor arrived at a series of findings, conclusions and subsequent recommendations for further research into the topic which are detailed in the attached report.

EAC Recommendations for further study and next steps

EAC finds this initial review of States' voter identification requirements, state laws and litigation surrounding the implementation of voter identification requirements an important beginning step in its consideration of voter identification requirements. From this study and compilation of data EAC considers it advisable to engage in a longer-term, systematic review of voter identification requirements and is recommending that at a minimum the agency engage on an ongoing basis in:

- A state-by-state review, reporting and tracking of voter identification requirements.
- A review and study of how voter identification requirements are implemented and how these practices may vary from state law and statute.

From this ongoing review and tracking EAC can determine the feasibility and advisability of further research and study into how voter identification requirements have had an impact over time on factors such as voter turnout and voter registration.

EAC believes that the findings from this initial study of voter identification requirements are helping inform additional studies it is conducting on a variety of related topics. The EAC study on first time voters who have registered to vote by mail and several forthcoming studies related to voter registration processes will provide necessary additional data to help inform discussions and debate related to ballot access and ballot security. The EAC also anticipates that follow-on study it does related to election crimes and various aspects of voting accessibility will also help inform and guide these ballot security and ballot access discussions.

Finally, EAC is likely to consider implementing one or more of the following research studies that will serve to augment the work begun by the Eagleton Institute of Politics:

- A study of how certain voter identification provisions that have been in place for two or more Federal elections have had an impact on voter turnout and voter registration figures;
- A research study which examines, in greater detail, the relationship between race and voter turnout, and race and methods for registering voters;
- Studies on the inter-relationship between various voter registration processes, voter turnout and number of election crimes reported or litigated;
- Publication of a series of case studies which detail a particular state's or jurisdiction's experiences with various voter identification and voter registration regimes;
- A policy paper or memorandum exploring the alternatives to current voter identification processes and regimes.



Gracia Hillman /EAC/GOV
03/30/2007 06:26 PM

To Jeannie Layson/EAC/GOV@EAC; Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. cc Thomas R. Wilkey/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC

bcc

Subject Re: Voter ID update

Too early yet.

Sent from my BlackBerry Wireless Handheld

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

From: Jeannie Layson

Sent: 03/30/2007 04:19 PM EDT

To: Donetta Davidson; Rosemary Rodriguez; Caroline Hunter; Gracia Hillman

Cc: Thomas Wilkey; Karen Lynn-Dyson; Juliet Hodgkins

Subject: Voter ID update

Commissioners,

Absolutely no activity/interest since my last update. Eagleton says no one other than NPR has contacted them. I'll let you know if anything changes. Otherwise, have a good weekend.

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

010366

Rosemary E.
Rodriguez/EAC/GOV
03/30/2007 04:14 PM

To Jeannie Layson/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC

bcc

Subject Re: Voter ID update 

Woo hoo!!!

Jeannie Layson

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

From: Jeannie Layson
Sent: 03/30/2007 04:19 PM EDT
To: Donetta Davidson; Rosemary Rodriguez; Caroline Hunter; Gracia Hillman
Cc: Thomas Wilkey; Karen Lynn-Dyson; Juliet Hodgkins
Subject: Voter ID update

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010367

Jeannie Layson /EAC/GOV
03/30/2007 04:19 PM

To d davidson@eac.gov, Rosemary E.
Rodriguez/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, ghillman@eac.gov
cc twilkey@eac.gov, klynndyson@eac.gov,
jthompson@eac.gov

bcc

Subject Voter ID update

Commissioners,

Absolutely no activity/interest since my last update. Eagleton says no one other than NPR has contacted them. I'll let you know if anything changes. Otherwise, have a good weekend.

Jeannie Layson
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010368

Bryan Whitener /EAC/GOV
03/30/2007 02:40 PM

To
cc
bcc Juliet E. Hodgkins/EAC/GOV
Subject EAC to Launch Comprehensive Study of Voter ID Laws,
3-30-07

For Immediate Release

March 30, 2007

Contact:

Jeannie Layson
Bryan Whitener
(202) 566-3100

EAC to Launch Comprehensive Study of Voter ID Laws

WASHINGTON - The U.S. Election Assistance Commission (EAC) has voted unanimously to launch a comprehensive study focused on voter identification laws after concluding that initial research it received in a report, which focused on only one election cycle, was not sufficient to draw any conclusions. The Commission declined to adopt the report, but is releasing all of the data to the public.

The report and the research, conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, are available at www.eac.gov. The Commission's statement regarding its decision is attached.

"After careful consideration of the initial research, the Commission decided this important issue deserves a more in-depth research approach, and that it should be examined beyond only one election cycle," said EAC Chair Donetta Davidson. "The Commission and our contractor agree that the research conducted for EAC raises more questions than provides answers."

EAC's strategy for moving forward is based upon an examination of the initial research and the testimony and discussion about this research project at the Commission's February 8, 2007 public meeting. For more information about the public meeting, including the agenda, transcript, and testimony go to http://www.eac.gov/Public_Meeting_020807.asp.

EAC's future research on this topic will be expanded to include more than one federal election, environmental and political factors, and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004. EAC's comprehensive research approach will undertake the following activities:

* Conduct an ongoing state-by-state review, reporting and tracking of voter identification

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requirements.

* Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation. EAC will use some of the information collected by the contractor as well as additional data from the states to develop this baseline.

* In 2007, convene a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification.

* Study how voter identification provisions that have been in place for two or more federal elections have impacted voter turnout, voter registration figures, and fraud.

* Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements.

EAC is an independent bipartisan commission created by the Help America Vote Act of 2002 (HAVA). It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary Rodriguez, Caroline Hunter and Gracia Hillman.

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EAC Statement on Study of Voter Identification Requirements

Background

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. In May 2005, EAC contracted with Rutgers, the State University of New Jersey through its Eagleton Institute of Politics ("Contractor") to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches.

The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Drawing on its nationwide review and legal analysis of state statutes and regulations for voter identification, the contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election - November 2004. For example, the turnout rate in 2004 in states that required the voter to provide a photo identification document* was compared to the turnout rate in 2004 in states with a requirement that voters give his or her name in order to

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receive a ballot. Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates* and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau.*

The Contractor presented testimony summarizing its findings from this statistical and data analysis at the February 8, 2007 public meeting of the U.S. Election Assistance Commission. The Contractor's testimony, its summary of voter identification requirements by State, its summary of court decisions and literature on voter identification and related issues, an annotated bibliography on voter identification issues and its summary of state statutes and regulations affecting voter identification are attached to this report and can also be found on EAC's website, www.eac.gov.

EAC Declines to Adopt Draft Report

EAC finds the Contractor's summary of States' voter identification requirements and its summary of state laws, statutes, regulations and litigation surrounding the implementation of voter identification requirements, to be a first step in the Commission's efforts to study the possible impact of voter identification requirements.

However, EAC has concerns regarding the data, analysis, and statistical methodology the Contractor used to analyze voter identification requirements to determine if these laws have an impact on turnout rates. The study only focused on one federal election. An analysis using averaged county-level turnout data from the U.S. Census showed no statistically significant correlations. A second analysis using a data set based upon the Current Population Survey (which was self-reported and showed a significantly higher turnout rate than other conventional data) was conducted that produced some evidence of correlation between voter identification requirements and turnout. The initial categorization of voter identification requirements included classifications that, actually, require no identification documentation, such as "state your name." The research methodology and the statistical analysis used by the Contractor were questioned by an EAC review group comprised of social scientists and statisticians. The Contractor and the EAC agree that the report raises more questions than provides answers and both agree the study should have covered more than one federal election.* Thus, EAC will not adopt the Contractor's study and will not issue an EAC report based upon this study. All of the material provided by the Contractor is attached.

*1 In 2004, three of the states that authorized election officials to request photo identification allowed voters to provide a non-photo ID and still vote a regular ballot and two others permitted voters who lacked photo ID to vote a regular ballot by swearing and affidavit.

*2 The July 2004 estimates for voting age population were provided by the U.S. Census Bureau. These data did not differentiate between citizens and non-citizens; because these numbers include non-citizens, the Contractor applied the percentage of citizens included in voting age population statistics in 2000 to the U.S. Census Bureau estimated voting age population in 2004. Thus, 2004 estimates of voting age population include persons who are not registered to vote.

*3 The Current Population Survey is based on reports from self-described registered voters who also describe themselves as U.S. citizens.

*4 See Transcript of EAC Public Meeting, February 8, 2007, page 109.

Further EAC Study on Voter Identification Requirements

EAC will engage in a longer-term, more systematic review of voter identification requirements. Additional study on the topic will include more than one Federal election cycle, additional environmental and political factors that effect voter participation and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

EAC will undertake the following activities:

- * Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states' requirements which require a voter to state his or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
- * Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.
- * In 2007, convene a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include methodology, specific issues to be covered in the study and timelines for completing an EAC study on voter identification.
- * Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender. Study the effects of voter identification provisions, or the lack thereof, on early, absentee and vote-by-mail voting.
- * Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

###

010372

Jeannie Layson /EAC/GOV
03/30/2007 02:04 PM

To ddavidson@eac.gov, Rosemary E.
Rodriguez/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, ghillman@eac.gov
cc twilkey@eac.gov, klyndyson@eac.gov,
jthompson@eac.gov

bcc

Subject Voter ID update

Commissioners,

The press release, the statement, and the draft report has been posted on our site. The press release is being distributed, and is on the way to all of you and the entire EAC staff. The following activities have occurred:

1. Press release was sent in advance to Eagleton.
2. I called Wendy Weiser of the Brennan Center and sent her the info.
3. I called and sent the info to Ray M. and Paul D.
4. I sent the info to Tom Hicks and Adam A.
5. Tom called Dan Tokaji, Dan Oak, and Rep. Hinchey's office.
6. Karen gave the three EAC experts a heads up.
7. Comm. Rodriguez was interviewed by NPR (the only outlet that showed any interest), as was Eagleton. Eagleton told NPR they are glad we are expanding the scope. Interview will run on affiliates today at approximately 5:44 pm EST.
8. I offered interviews to USA Today, WaPo, NYT, and AP but none were interested.
9. I have kept Eagleton apprised of our activities.

I'll continue to keep you apprised as the day goes on, and please let me know if there's anyone else you'd like me to contact.

Jeannie Layson
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Phone: 202-566-3100
www.eac.gov

010373

Jeannie Layson /EAC/GOV
03/30/2007 08:28 AM

To jthompson@eac.gov
cc
bcc
Subject voter id

History

☐ This message has been replied to

This is going out today (finally). Is there anyone on the Hill I need to reach out to, like that guy who calls you a million times a day or someone on Hinchey's staff?

Jeannie Layson
U.S. Election Assistance Commission
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www.eac.gov

010374

Thomas R. Wilkey/EAC/GOV
03/29/2007 11:52 AM

To Donetta L. Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Rosemary E.
cc Sheila A. Banks/EAC/GOV@EAC, Elieen L.
Kuala/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC, Jeannie
bcc

Subject Withdrawl of Tally Vote Memo of March 28, 2007, Draft Study
Of Voter Identification Requirements

Commissioners;

The tally vote memo issued on March 28, 2007 concerning the Draft Study of Identification Requirements
is hereby withdrawn.

A new memo will be re-issued to you shortly.

Tom Wilkey

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

010375