



EAC Voting Fraud-Voter Intimidation Research WORKING GROUP IDEAS

- Analyze
 - Phone logs from toll-free lines for election concerns
 - Federal observer reports
 - Local newspapers

- Conduct academic statistical research

- Research search and match procedures for voter registration list maintenance (subject to confirmation) to identify potential avenues for vote fraud



EAC Voting Fraud-Voter Intimidation Research WORKING GROUP IDEAS

- Research state district court actions
- Broaden scope of interviews to include district attorneys and more local election officials
- Explore the concept of election courts
- Develop model statutes



EAC Voting Fraud-Voter Intimidation Research

- Do we have a complete picture?

No! Preliminary research provides some pieces of the puzzle.

- Will we ever have a complete picture?

Probably not, but additional research could provide enough additional pieces so that we have a better sense of the whole picture.



EAC Voting Fraud-Voter Intimidation Research

NEXT STEPS

- Consultants will draft a final report summarizing the results of their research and the working group deliberations.
- Report will include recommendations for future EAC research related to this subject matter.
- Report will be reviewed by EAC and, after obtaining any clarifications or corrections deemed necessary, will be made available to the EAC Standards Board and EAC Board of Advisors for review and comment.
- Following this, a final report will be prepared.



012577

U.S. ELECTION ASSISTANCE COMMISSION

**Status Report on the
Voting Fraud-Voter Intimidation Research
Project**

May 17, 2006

**Deliberative Process
Privilege**

INTRODUCTION

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

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

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

FOCUS OF CURRENT RESEARCH

In September 2005, the Commission hired two consultants with expertise in this subject matter, Job Serebrov and Tova Wang, to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;
- establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;
- provide the description of what constitutes voting fraud and voter intimidation and the results of the preliminary research to the working group, and convene the working group to discuss potential avenues for future EAC research on this topic; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;

As of the date of this report, the consultants have drafted a definition of election fraud, reviewed relevant literature and reports, interviewed persons from government and private sectors with subject matter expertise, analyzed news reports of alleged election fraud, reviewed case law, and established a project working group.

DEFINITION OF ELECTION FRAUD

The consultants drafted a definition of election fraud that includes numerous aspects of voting fraud (including voter intimidation, which is considered a subset of voting fraud) and voter registration fraud, but excludes campaign finance violations and election administration mistakes. This draft will be discussed and probably refined by the project working group, which is scheduled to convene on May 18, 2006.

LITERATURE REVIEW

The consultants found many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. They found little research that is truly systematic or scientific. The most systematic look at fraud appears to be the report written by Lori Minnite, entitled "Securing the Vote: An Analysis of Election Fraud". The most systematic look at voter intimidation appears to be the report by Laughlin McDonald, entitled "The New Poll Tax". The consultants found that books written about this subject all seem to have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Moreover, the consultants found that reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book, "Stealing Elections".

Consultants found that researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate; but some reports say it is a major problem, albeit hard to identify.

- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

Recommendations

The consultants recommend that subsequent EAC research include a follow up study of allegations made in reports, books and newspaper articles. They also suggest that the research should focus on filling the gap between the lack of reports based on methodical studies by social or political scientists and the numerous, but less scientific, reports published by advocacy groups.

INTERVIEWS

The consultants jointly selected experts from the public and private sector for interviews. The consultants' analysis of their discussions with these members of the legal, election official, advocacy, and academic communities follows.

Common Themes

- There is virtually universal agreement that absentee ballot fraud is the biggest problem, with vote buying and registration fraud coming in after that. The vote buying often comes in the form of payment for absentee ballots, although not always. Some absentee ballot fraud is part of an organized effort; some is by individuals, who sometimes are not even aware that what they are doing is illegal. Voter registration fraud seems to take the form of people signing up with false names. Registration fraud seems to be most common where people doing the registration were paid by the signature.
- There is widespread but not unanimous agreement that there is little polling place fraud, or at least much less than is claimed, including voter impersonation, "dead" voters, noncitizen voting and felon voters. Those few who believe it occurs often enough to be a concern say that it is impossible to show the extent to which it happens, but do point to instances in the press of such incidents. Most people believe that false registration forms have not resulted in polling place fraud,

although it may create the perception that vote fraud is possible. Those who believe there is more polling place fraud than reported/investigated/prosecuted believe that registration fraud does lead to fraudulent votes. Jason Torchinsky from the American Center for Voting Rights is the only interviewee who believes that polling place fraud is widespread and among the most significant problems in the system.

- Abuse of challenger laws and abusive challengers seem to be the biggest intimidation/suppression concerns, and many of those interviewed assert that the new identification requirements are the modern version of voter intimidation and suppression. However there is evidence of some continued outright intimidation and suppression, especially in some Native American communities. A number of people also raise the problem of poll workers engaging in harassment of minority voters. Other activities commonly raised were the issue of polling places being moved at the last moment, unequal distribution of voting machines, videotaping of voters at the polls, and targeted misinformation campaigns.
- Several people indicate that, for various reasons, DOJ is bringing fewer voter intimidation and suppression cases now, and has increased its focus on matters such as noncitizen voting, double voting, and felon voting. Interviews with DOJ personnel indicate that the Voting Section, Civil Rights Division, focuses on systemic patterns of malfeasance in this area. While the Election Crimes Branch, Public Integrity Section, continues to maintain an aggressive pursuit of systematic schemes to corrupt the electoral process (including voter suppression), it also has increased prosecutions of individual instances of felon, alien, and double voting.
- The problem of badly kept voter registration lists, with both ineligible voters remaining on the rolls and eligible voters being taken off, remains a common concern. A few people are also troubled by voters being on registration lists in two states. They said that there was no evidence that this had led to double voting, but it opens the door to the possibility. There is great hope that full implementation of the new requirements of HAVA – done well, a major caveat – will reduce this problem dramatically.

Common Recommendations:

- Many of those interviewed recommend better poll worker training as the best way to improve the process; a few also recommended longer voting times or voting on days other than election day (such as weekends) but fewer polling places so only the best poll workers would be employed.
- Many interviewed support stronger criminal laws and increased enforcement of existing laws with respect to both fraud and intimidation. Advocates from across the spectrum expressed frustration with the failure of the Department of Justice to pursue complaints.

- With respect to DOJ's Voting Section, Civil Rights Division, John Tanner indicated that fewer cases are being brought because fewer are warranted – it has become increasingly difficult to know when allegations of intimidation and suppression are credible since it depends on one's definition of intimidation, and because both parties are doing it. Moreover prior enforcement of the laws has now changed the entire landscape – race based problems are rare now. Although challenges based on race and unequal implementation of identification rules would be actionable, Mr. Tanner was unaware of such situations actually occurring and his office has not pursued any such cases.
- Craig Donsanto of DOJ's Election Crimes Branch, Public Integrity Section, says that while the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate claims of fraud, the number of cases DOJ is investigating and the number of indictments his office is pursuing are both up dramatically. Since 2002, in addition to pursuing systematic election corruption schemes, DOJ has brought more cases against alien voters, felon voters and double voters than ever before. Mr. Donsanto would like more resources so that his agency can do more and would like to have laws that make it easier for the federal government to assume jurisdiction over voter fraud cases.
- A couple of interviewees recommend a new law that would make it easier to criminally prosecute people for intimidation even when there is not racial animus.
- Several advocate expanded monitoring of the polls, including some associated with the Department of Justice.
- Almost everyone hopes that administrators will maximize the potential of statewide voter registration databases to prevent fraud.
- Challenge laws, both with respect to pre-election day challenges and challengers at the polls, need to be revised by all states to ensure they are not used for purposes of wrongful disenfranchisement and harassment.
- Several people advocate passage of Senator Barak Obama's "deceptive practices" bill.
- There is a split on whether it would be helpful to have nonpartisan election officials – some indicated they thought even if elections officials are elected as non partisan officials, they will carry out their duties in biased ways nonetheless. However, most agree that elections officials pursuing partisan agendas are a problem that must be addressed in some fashion. Suggestions included moving election responsibilities out of the secretary of states' office; increasing transparency in the process; and enacting conflict of interest rules.

- A few recommend returning to allowing use of absentee ballots “for cause” only if it were politically feasible.
- A few recommend enacting a national identification card, including Pat Rogers, an attorney in New Mexico, and Jason Torchinsky from ACVR, who advocates the proposal in the Carter-Baker Commission Report.
- A couple of interviewees indicated the need for clear standards for the distribution of voting machines

NEWS ARTICLES

Consultants conducted a Nexis search of related news articles published between January 1, 2001 and January 1, 2006. A systematic, numerical analysis of the data collected during this review is currently being prepared. What follows is an overview of these articles provided by the consultants.

Absentee Ballots

According to press reports, absentee ballots are abused in a variety of ways:

- Campaign workers, candidates and others coerce the voting choices of vulnerable populations, usually elderly voters.
- Workers for groups and individuals have attempted to vote absentee in the names of the deceased.
- Workers for groups, campaign workers and individuals have attempted to forge the names of other voters on absentee ballot requests and absentee ballots and thus vote multiple times.

It is unclear how often actual convictions result from these activities (a handful of articles indicate convictions and guilty pleas), but this is an area in which there have been a substantial number of official investigations and actual charges filed, according to news reports where such information is available. A few of the allegations became part of civil court proceedings contesting the outcome of the election.

While absentee fraud allegations turn up throughout the country, a few states have had several such cases. Especially of note are Indiana, New Jersey, South Dakota, and most particularly, Texas. Interestingly, there were no articles regarding Oregon, where the entire system is vote by mail.

Voter Registration Fraud

According to press reports, the following types of allegations of voter registration fraud are most common:

- Registering in the name of dead people;
- Fake names and other information on voter registration forms;
- Illegitimate addresses used on voter registration forms;
- Voters being tricked into registering for a particular party under false pretenses; and
- Destruction of voter registration forms depending on the party the voter registered with.

There was only one self evident instance of a noncitizen registering to vote. Many of the instances reported included official investigations and charges filed, but few actual convictions, at least from the news reporting. There have been multiple reports of registration fraud in California, Colorado, Florida, Missouri, New York, North Carolina, Ohio, South Dakota, and Wisconsin.

Voter Intimidation and Suppression

This is the area which had the most articles, in part because there were so many allegations of intimidation and suppression during the 2004 election. Most of these remained allegations and no criminal investigation or prosecution ensued. Some of the cases did end up in civil litigation.

This is not to say that these alleged activities were confined to 2004 – there were several allegations made during every year studied. Most notable were the high number of allegations of voter intimidation and harassment reported during the 2003 Philadelphia mayoral race.

A very high number of the articles were about the issue of challenges to voters' registration status and challengers at the polling places. There were many allegations that planned challenge activities were targeted at minority communities. Some of the challenges were concentrated in immigrant communities.

However, the tactics alleged varied greatly. The types of activities discussed also include the following:

- Photographing or videotaping voters coming out of polling places;
- Improper demands for identification;

- Poll watchers harassing voters;
- Poll workers being hostile to or aggressively challenging voters;
- Disproportionate police presence;
- Poll watchers wearing clothes with messages that seemed intended to intimidate; and
- Insufficient voting machines and unmanageably long lines.

Although the incidents reported on occurred everywhere, not surprisingly, many came from “battleground” states. There were several such reports out of Florida, Ohio, and Pennsylvania.

“Dead Voters and Multiple Voting”

There were a high number of articles about people voting in the names of the dead and voting more than once. Many of these articles were marked by allegations of big numbers of people committing these frauds, and relatively few of these allegations turning out to be accurate according to investigations by the newspapers themselves, elections officials, and criminal investigators. Often the problem turned out to be a result of administrative error, poll workers mis-marking voter lists, a flawed registration list and/or errors made in the attempt to match names of voters on the list with the names of the people who voted. In a good number of cases, there were allegations that charges of double voting by political leaders were an effort to scare people away from the voting process.

Nonetheless there were a few cases of people actually being charged and/or convicted for these kinds of activities. Most of the cases involved a person voting both by absentee ballot and in person. A few instances involved people voting both during early voting and on Election Day, which calls into question the proper marking and maintenance of the voting lists. In many instances, the person charged claimed not to have voted twice on purpose. A very small handful of cases involved a voter voting in more than one county and there was one substantiated case involving a person voting in more than one state. Other instances in which such efforts were alleged were disproved by officials.

In the case of voting in the name of a dead person, the problem lay in the voter registration list not being properly maintained, i.e. the person was still on the registration list as eligible to vote, and a person took criminal advantage of that. In total, the San Francisco Chronicle found five such cases in March 2004; the AP cited a newspaper analysis of five such persons in an Indiana primary in May 2004; and a senate committee found two people to have voted in the names of the dead in 2005.

As usual, there were a disproportionate number of such articles coming out of Florida. Notably, there were three articles out of Oregon, which has one hundred percent vote-by-mail.

Vote Buying

There were a surprising number of articles about vote buying cases. A few of these instances involved long-time investigations concentrated in three states (Illinois, Kentucky, and West Virginia). There were more official investigations, indictments and convictions/pleas in this area.

Deceptive Practices

In 2004 there were numerous reports of intentional disinformation about voting eligibility and the voting process meant to confuse voters about their rights and when and where to vote. Misinformation came in the form of flyers, phone calls, letters, and even people going door to door. Many of the efforts were reportedly targeted at minority communities. A disproportionate number of them came from key battleground states, particularly Florida, Ohio, and Pennsylvania. From the news reports found, only one of these instances was officially investigated, the case in Oregon involving the destruction of completed voter registration applications. There were no reports of prosecutions or any other legal proceeding.

Non-citizen Voting

There were surprisingly few articles regarding noncitizen registration and voting – just seven all together, in seven different states across the country. They were also evenly split between allegations of noncitizens registering and noncitizens voting. In one case, charges were filed against ten individuals. In another case, a judge in a civil suit found there was illegal noncitizen voting. Three instances prompted official investigations. Two cases, from this Nexis search, remained just allegations of noncitizen voting.

Felon Voting

Although there were only thirteen cases of felon voting, some of them involved large numbers of voters. Most notably, of course, are the cases that came to light in the Washington gubernatorial election contest (see Washington summary) and in Wisconsin (see Wisconsin summary). In several states, the main problem was the large number of ineligible felons that remained on the voting list.

Election Official Fraud

In most of the cases in which fraud by elections officials is suspected or alleged, it is difficult to determine whether it is incompetence or a crime. There are several cases of ballots gone missing, ballots unaccounted for and ballots ending up in a worker's possession. In two cases workers were said to have changed peoples' votes. The one

instance in which widespread ballot box stuffing by elections workers was alleged was in Washington State. The judge in the civil trial of that election contest did not find that elections workers had committed fraud. Four of the cases are from Texas.

Recommendation

The consultants recommend that subsequent EAC research should include a Nexis search that specifically attempts to follow up on the cases for which no resolution is evident from this particular initial search.

CASE LAW RESEARCH

After reviewing over 40,000 cases from 2000 to the present, the majority of which came from appeals courts, the consultants found comparatively few applicable to this study. Of those that were applicable, the consultants found that no apparent thematic pattern emerges. However, it appears to them that the greatest areas of fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying, and challenges to felon eligibility.

Recommendation

Because so few cases provided a picture of these current problems, consultants suggest that subsequent EAC research include a review of state trial-level decisions.

PROJECT WORKING GROUP

Consultants and EAC worked together to select members for the Voting Fraud-Voter Intimidation Working Group that included election officials and representatives of advocacy groups and the legal community who have an interest and expertise in the subject matter. (See Attachment A for a list of members.) The working group is scheduled to convene at EAC offices on May 18, 2006 to consider the results of the preliminary research and to offer ideas for future EAC activities concerning this subject.

FINAL REPORT

After convening the project working group, the consultants will draft a final report summarizing the results of their research and the working group deliberations. This report will include recommendations for future EAC research related to this subject matter. The draft report will be reviewed by EAC and, after obtaining any clarifications or corrections deemed necessary, will be made available to the EAC Standards Board and EAC Board of Advisors for review and comment. Following this, a final report will be prepared.

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Attachment A

Voting Fraud-Voter Intimidation Project Working Group

The Honorable Todd Rokita

Indiana Secretary of State

Member, EAC Standards Board and the Executive Board of the Standards Board

Kathy Rogers

Georgia Director of Elections, Office of the Secretary of State

Member, EAC Standards Board

J.R. Perez

Guadalupe County Elections Administrator, TX

Barbara Arnwine

Executive Director, Lawyers Committee for Civil Rights Under Law

Leader of Election Protection Coalition

(To be represented at May 18, 2006 meeting by Jon M. Greenbaum, Director of the Voting Rights Project for the Lawyers Committee for Civil Rights Under Law)

Robert Bauer

Chair of the Political Law Practice at the law firm of Perkins Coie, DC

National Counsel for Voter Protection, Democratic National Committee

Benjamin L. Ginsberg

Partner, Patton Boggs LLP

Counsel to national Republican campaign committees and Republican candidates

Mark (Thor) Hearne II

Partner-Member, Lathrop & Gage, St Louis, MO

National Counsel to the American Center for Voting Rights

Barry Weinberg

Former Deputy Chief and Acting Chief, Voting Section, Civil Rights Division, U.S.

Department of Justice

EAC Invited Technical Advisor:

Craig Donsanto

Director, Election Crimes Branch, U.S. Department of Justice

Tova Wang/EAC

p 5. 2d bullet ..DOJ is bringing fewer intimidation and suppression cases now...

This clearly is a myth. The Department has brought two 11(b) cases, one of the two in this Administration. The focus of DOJ activity has shifted, in fact, to voter suppression as there are fewer cases over voter dilution (challenges to at-large election systems, etc.) being brought by anyone as the number of jurisdictions with at-large election systems has shrunk dramatically. This Administration has, in fact, brought far more voter-suppression cases in this Administration than ever in the past, including a majority of all cases under Sections 203 and 208 of the Act, and such key recent Section 2 cases as US v. City of Boston and US v. Long County, Georgia.

The Voting Section brings cases involving "systemic" discrimination because federal voting statutes focus on discriminatory action by local governments. It is criminal statutes that involve malfeasance by individuals. The difference is fundamental and key to understanding law enforcement

3d bullet.

The Voting Section of DOJ has taken action to address badly kept voter lists with recent lawsuits in Missouri and Indiana.

4th bullet

The Voting Section of DOJ has, by a large margin, included mandatory training of poll workers in avoiding discriminatory practices in more cases in this Administration than in its entire previous history.

Page 6 - first bullet

This is not true. Ms. Wang repeatedly declined to define intimidation, so that her questions were vague and unhelpful in defining or identifying problems. The facts:

The Voting Section is bringing more cases involving discrimination and violation of minority voters rights at the polls on election day than ever in its history - than in its entire history combined. That is indisputable.

The credibility of allegations depends on their specificity and corroboration. Questions as to intimidation and vote suppression are meaningless in the absence of a definition of discrimination.

Prior enforcement has indeed changed the landscape, especially in the Southeast; however, the fact that we are bringing record numbers of cases clearly shows that discrimination is not rare.

Challenges based on race and unequal implementation of ID rules are indeed actionable and we have brought lawsuits, such as in Boston and Long County; we have not identified instances of such discrimination in which we have not taken action..

**Deliberative Process
Privilege**

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

Voting Fraud – Voter Intimidation Working Group Meeting Summary

Overview of Current Research Project

- Current research performed Tova Wang and Job Serebrov
 - the current research has been a challenge because of the need for the information to be collected and analyzed in a scientific manner
 - especially when working the “perception” of intimidation
- Both consultants cross-checked each others work in order to maintain a bipartisan balance
- Literature was anecdotal, not much follow-up on the articles
- No interviews with DA’s and only one interview with a judge
- Absentee ballots seemed to be the biggest problem
- The articles found that most of reported vote buying is concentrated in the Midwest and the South
- Very little non-citizen voting, dead voting and impersonation was reported

Purpose of Current Working Group

- To provide background information for current research
- To brainstorm for potential research ideas

Talking Points of Working Group

- Discussion of value of research because of the language of section 241 of HAVA; where is the methodology?
- History of the definition of “fraud”
- Most voter fraud happens outside of the polling centers
- Research must address existing problems, not perceived problems
- Intimidation is a subset of suppression, and considered to be physical or economic threat and/or coercion
- Suppression that is not a form of intimidation is intended to interfere with voting rights and the election process without physical or economic threat and/or coercion
- Department of Justice primarily investigated individual cases of voter fraud
- Risk analysis can be used as an indicator of legitimacy for the need to allocate funding to research in the area of voter fraud
- Current statewide database list will be useful in the deterrence of voter fraud

Ideas for Future EAC Activities

- Bipartisan observers/poll watchers
 - Used in the collection of data
 - Used to deter fraud
- Surveys
 - Survey of state laws
 - Specific states
 - Survey of local election officials
 - Voter surveys (this suggestion was rejected by the panel)
 - Survey state election offices
 - Survey use of administrative complaint procedures
- Follow up on initial reports of fraud/intimidation from the survey of news articles
- Better poll worker training
- Longer hours for polling centers
 - Including hours on weekends
- Fewer polling center locations
 - More qualified poll workers
- Absentee balloting process
 - Methodology of “for cause” absentee voting
- Risk-analysis for voting fraud
 - Who?
 - What part of process?
 - ease of use
 - Which elections?
- Broaden scope of interviews to local officials and district attorneys
- Analysis
 - Phone logs from toll-free lines for election concerns
 - Federal observer reports
 - Local newspapers
 - State District Court Cases
 - Determination of challenging a voter at the polls (in some states there is little or no cause required to challenge a voters eligibility)
- Academic statistical research
- Search and match procedures for voter registration list maintenance and voter fraud identification (subject to confirmation)
- Election courts
- Model statutes



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

October 19, 2006

Ralph G. Neas
President, People for the American Way Foundation
2000 M Street, NW
Suite 400
Washington, DC 20036

Via Facsimile Transmission ONLY
202-293-2672

RE: October 18, 2006 Letter

Dear Mr. Neas:

Your letter of October 18, 2006 requests the release of EAC's Voter Fraud and Intimidation Report. I would like to take this opportunity to clarify the purpose and status of this study.

In late 2005, EAC hired two consultants for the purpose of assisting EAC with two things: 1) developing a uniform definition of the phrase voter fraud, and 2) making recommendations on how to further study the existence, prosecution, and means of deterring such voter fraud. In May 2006, a status report on this study was given to the EAC Standards Board and EAC Board of Advisors during their public meetings. During the same week, a working group convened to react to and provide comment on the progress and potential conclusions that could be reached from the work of the two consultants.

The conversation at the working group meeting was lively on the very points that we were trying to accomplish as a part of this study, namely what is voter fraud and how do we pursue studying it. Many of the proposed conclusions that were suggested by the consultants were challenged by the working group members. As such, the consultants were tasked with reviewing the concerns expressed at the working group meeting, conducting additional research as necessary, and providing a draft report to EAC that took into account the working group's concerns and issues.

That draft report is currently being vetted by EAC staff. EAC will release a final report from this study after it has conducted a review of the draft provided by the consultants. However, it is important to remember the purpose of this study -- finding a uniform definition of voter fraud and making recommendations on how to study the existence, prosecution and deterrence of voter fraud -- as it will serve as the basis of the EAC report on this study.

Thank you for your letter. You can be assured that as soon as a final report on the fraud and intimidation study is available, a copy will be made available to the public.

Sincerely,

Paul S. DeGregorio
Chairman

Voter Fraud and Voter Intimidation

<u>EAC</u>	<u>Primary</u>	<u>Project</u>
<u>C.O.R.</u>	<u>Contractor</u>	<u>Contact</u>
	T. Wang	T. Wang
P. Sims	J. Serebrov	J. Serebrov
		09/01/05

<u>Month</u>	<u>Key Deliverables</u>
September-05	Draft project work plan, develop list of potential members for Working Group
October-05	Define Fraud/Intimidation, parameters of terms, creation of working written desc and does not include
November-05	EAC vets and approves working group names, formal requests made, agree on parties to interview or survey to assist in process of definition, research and review by T.Wang, J. Serebrov and EAC law clerk (case law/journal articles)
December-05	Face to face meeting at EAC re: review of November tasks, examine the feasibility incidence of different types of fraud
January-06	Interviews with state and local officials, 3rd party groups, election lawyers to assess
February-06	Draft working group topics, written summary of background research. Initial worki
March-06	Develop project scope of work, project work plan and draft summary report on key voting fraud and intimidation with input from working group.

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Working Group meeting – proposed materials and agenda:

- I. Materials to be sent third week in April
 - a. Cover letter from Peg
 - b. Agenda
 - c. List of interviewees
 - d. Summaries of interviews
 - e. Nexis charts + news summaries
 - f. Case charts
 - g. Summaries of existing literature
 - h. Methodology summary
 - i. Proposed fraud definitions

- II. Agenda
 - a. Overview and purpose of the project, including the phase 2
 - b. Purpose of the working group
 - c. Considering only the research performed by Job Serebrov and Tova Wang to date, what at this point say can we say about the incidence of fraud and intimidation since the 2000 election?
 - i. How much are certain forms of fraud being committed, including but not limited to:
 1. voter registration fraud
 2. polling place fraud
 3. vote buying
 4. absentee ballot fraud
 5. fraud in ballot counting
 - ii. How much are certain forms of voter intimidation and suppression being committed, including but not limited to:
 1. deceptive practices
 2. poll worker misconduct
 3. challengers
 - iii. Are there notable regional variations?
 - iv. Who seems to be committing these acts?
 1. voters
 2. political parties
 3. third party organizations
 4. elections officials
 5. candidates
 - v. Do local, state and federal authorities appear to be handling these matters effectively?

- d. What does the research to date fail to tell us that we still need to know?
- e. What are the group's thoughts on the proposed definitions of fraud?
- f. What is the most useful step(s) the EAC could take with respect to this issue?
- g. Specific advice on moving forward
 - i. Other than nexis and case research, are there other research tools available to investigate this topic? How could the nexis and case research be improved or expanded upon?
 - ii. Who else should be interviewed? Categories of people as well as specific recommendations
 - iii. What are your thoughts on the proposed social science methodologies? Do you have other suggestions?
 - iv. Should there be a review of state and federal statutes on this and an analysis of the strengths and weaknesses of existing laws?
 - v. Generally, what else could be done to more effectively get at the necessary data and information?

Working Group meeting – proposed materials and agenda:

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 - d. Summaries of interviews
 - e. Nexis charts + news summaries
 - f. Case charts
 - g. Summaries of existing literature
 - h. Methodology summary
 - i. Proposed fraud definitions

- II. Agenda
 - a. Overview and purpose of the project, including the phase 2
 - b. Purpose of the working group
 - c. Considering only the research performed by Job Serebrov and Tova Wang to date, what at this point say can we say about the incidence of fraud and intimidation since the 2000 election?
 - i. How much are certain forms of fraud being committed, including but not limited to:
 1. voter registration fraud
 2. polling place fraud
 3. vote buying
 4. absentee ballot fraud
 5. fraud in ballot counting
 - ii. How much are certain forms of voter intimidation and suppression being committed, including but not limited to:
 1. deceptive practices
 2. poll worker misconduct
 3. challengers
 - iii. Are there notable regional variations?
 - iv. Who seems to be committing these acts?
 1. voters
 2. political parties
 3. third party organizations
 4. elections officials
 5. candidates
 - v. Do local, state and federal authorities appear to be handling these matters effectively?

- d. What does the research to date fail to tell us that we still need to know?
- e. What are the group's thoughts on the proposed definitions of fraud?
- f. What is the most useful step(s) the EAC could take with respect to this issue?
- g. Specific advice on moving forward
 - i. Other than nexis and case research, are there other research tools available to investigate this topic? How could the nexis and case research be improved or expanded upon?
 - ii. Who else should be interviewed? Categories of people as well as specific recommendations
 - iii. What are your thoughts on the proposed social science methodologies? Do you have other suggestions?
 - iv. Should there be a review of state and federal statutes on this and an analysis of the strengths and weaknesses of existing laws?
 - v. Generally, what else could be done to more effectively get at the necessary data and information?

Voting Fraud-Voter Intimidation Working Group

The Honorable Todd Rokita

Indiana Secretary of State

Member, EAC Standards Board and the Executive Board of the Standards Board

Kathy Rogers

Georgia Director of Elections, Office of the Secretary of State

Member, EAC Standards Board

J.R. Perez

Guadalupe County Elections Administrator, TX

Barbara Arnwine

Executive Director, Lawyers Committee for Civil Rights Under Law

Leader of Election Protection Coalition

(To be represented at May 18, 2006 meeting by Jon M. Greenbaum, Director of the Voting Rights Project for the Lawyers Committee for Civil Rights Under Law)

Robert Bauer

Chair of the Political Law Practice at the law firm of Perkins Coie, DC

National Counsel for Voter Protection, Democratic National Committee

Benjamin L. Ginsberg

Partner, Patton Boggs LLP

Counsel to national Republican campaign committees and Republican candidates

Mark (Thor) Hearne II

Partner-Member, Lathrop & Gage, St Louis, MO

National Counsel to the American Center for Voting Rights

Barry Weinberg

Former Deputy Chief and Acting Chief, Voting Section, Civil Rights Division, U.S.

Department of Justice

EAC Invited Technical Advisor:

Craig Donsanto

Director, Election Crimes Branch, U.S. Department of Justice

May 12, 2006

J.R. Perez
Guadalupe County Elections Administrator
307 Court Street West
Seguin, TX 78156-1346

Dear Mr. Perez:

Thank you for agreeing to participate in the Voting Fraud-Voter Intimidation Working Group Meeting. This meeting will take place from 1:00 PM to 5:30 PM on Thursday, May 18th, 2006 at the offices of the U.S. Election Assistance Commission (EAC), 1225 New York Avenue, NW, 11th Floor, Washington, DC.

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

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

EAC's Board of Advisors recommended that the agency make research on these matters a high priority. Subsequently, the Commission contracted with two consultants (Job Serebrov and Tova Wang) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;

012599

May 12, 2006

Kathy Rogers
Director of Elections
Office of the Secretary of State
West Tower, Suite 1104
2 Martin Luther King Jr. Drive, SE
Atlanta, GA 30334-1505

Dear Ms. Rogers:

Thank you for agreeing to participate in the Voting Fraud-Voter Intimidation Working Group Meeting. This meeting will take place from 1:00 PM to 5:30 PM on Thursday, May 18th, 2006 at the offices of the U.S. Election Assistance Commission (EAC), 1225 New York Avenue, NW, 11th Floor, Washington, DC.

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

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
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- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;

012600

May 12, 2006

The Honorable Todd Rokita
Secretary of State
State House, Room 201
200 West Washington Street
Indianapolis, IN 46204

Dear Secretary Rokita:

Thank you for agreeing to participate in the Voting Fraud-Voter Intimidation Working Group Meeting. This meeting will take place from 1:00 PM to 5:30 PM on Thursday, May 18th, 2006 at the offices of the U.S. Election Assistance Commission (EAC), 1225 New York Avenue, NW, 11th Floor, Washington, DC.

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

EAC's Board of Advisors recommended that the agency make research on these matters a high priority. Subsequently, the Commission contracted with two consultants (Job Serebrov and Tova Wang) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;

012601

May 12, 2006

Craig Donsanto
Director
Election Crimes Branch
U.S. Department of Justice
1400 New York Avenue, NW, 12th Floor
Washington, DC 20005

Dear Mr. Donsanto:

Thank you for agreeing to serve as a technical advisor for the Voting Fraud-Voter Intimidation Working Group. The first meeting of the Working Group will take place from 1:00 PM to 5:30 PM on Thursday, May 18th, 2006 at the offices of the U.S. Election Assistance Commission (EAC), 1225 New York Avenue, NW, 11th Floor, Washington, DC.

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

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

EAC's Board of Advisors recommended that the agency make research on these matters a high priority. Subsequently, the Commission contracted with two consultants (Job Serebrov and Tova Wang) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;

012602

May 12, 2006

Benjamin L. Ginsberg
Partner
Patton Boggs LLP
2550 M Street, NW
Washington, DC 20037

Dear Mr. Ginsberg:

Thank you for agreeing to participate in the Voting Fraud-Voter Intimidation Working Group Meeting. This meeting will take place from 1:00 PM to 5:30 PM on Thursday, May 18th, 2006 at the offices of the U.S. Election Assistance Commission (EAC), 1225 New York Avenue, NW, 11th Floor, Washington, DC.

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

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

EAC's Board of Advisors recommended that the agency make research on these matters a high priority. Subsequently, the Commission contracted with two consultants (Job Serebrov and Tova Wang) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;

012603

[DATE]

Craig C. Donsanto
Director
Election Crimes Branch
U.S. Department of Justice
Bond Building
1400 New York Avenue, NW, 12th Floor
Washington, DC 20005

Dear Mr. Donsanto:

The U.S. Election Assistance Commission (EAC) requests that you advise and inform our efforts to research voting fraud and voter intimidation. As an expert in the prosecution of election crimes, your expertise and unique experience would be a valuable resource as we move forward.

- Deleted: 's
- Deleted: your assistance
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- Deleted: You are recognized for your expertise in the prosecution of election crimes. The project requires the information and insights that you can offer.
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EAC is a federal agency established in accordance with section 201 of the Help America Vote Act of 2002 (HAVA), Public Law 107-252. HAVA requires EAC to conduct research regarding election administration issues. The election administration issues itemized in the statute include:

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

The EAC Board of Advisors, established in accordance with HAVA section 211, recommended that EAC place a high priority on these topics when initiating our research projects. Subsequently, EAC obtained the services of two consultants (Tova Wang and Job Serebrov) to:

- **Define Voting Fraud and Voter Intimidation** - develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of federal elections;
- **Research Available Resources** - perform background research (including federal and state administrative and case law review), identify current activities of key government agencies, civic and advocacy

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organizations regarding these topics, and summarize this research and all source documentation;

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- **Establish a Project Working Group** - in consultation with EAC, establish a working group composed of key individuals and representatives of organizations knowledgeable about voting fraud and voter intimidation, provide a description of what constitutes voting fraud and voter intimidation and the results of the background research to the group, and convene the group to discuss potential avenues for future EAC research on this topic;

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- **Produce a Report** - Provide a report to EAC summarizing the preliminary research and working group deliberations, including recommendations for future EAC research, if any;
- **Assist EAC in Initiating Future Research** - if EAC decides to pursue one or more recommendations for future research, draft the project scope and statement of work for the request for proposals.

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It would be most helpful if you could offer your expertise to our team of consultants and the EAC project manager, Peggy Sims. We will contact you to set up an initial interview, which will focus on the identification and prosecution of offenses involving voting fraud and voter intimidation, as well as possible resources on these subjects for our consultants' review. Our consultants and project manager may have follow up questions as the research proceeds. It also would be helpful if you would attend the working group meeting to contribute to their discussion.

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If you have any questions about the research or this request, please contact Peggy Sims by email at psims@eac.gov or by phone at 202-566-3120.

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Sincerely yours,

Gracia Hillman
Chair



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

May 12, 2006

MEMORANDUM

TO: EAC Commissioners

FROM: Peggy Sims, Election Research Specialist

SUBJECT: Voting Fraud-Voter Intimidation Working Group Meeting

The first meeting of the Voting Fraud-Voter Intimidation Working Group will take place from 1:00 PM to 5:30 PM on Thursday, May 18th, 2006 at the offices of the U.S. Election Assistance Commission (EAC), 1225 New York Avenue, NW, 11th Floor, Washington, DC.

As you know, Section 241 of the Help America Vote Act of 2002 (HAVA) requires EAC to conduct research on election administration issues. Among the tasks listed in the statute is the development of:

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

EAC's Board of Advisors recommended that the agency make research on these matters a high priority. Consequently, in September 2005, EAC contracted with two consultants (Job Serebrov and Tova Wang) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;

012606

- establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;
- provide the description of what constitutes voting fraud and voter intimidation and the results of the preliminary research to the working group, and convene the working group to discuss potential avenues for future EAC research on this topic; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;

For your information, the folder accompanying this letter includes a number of items related to our consultants' preliminary research and the upcoming meeting:

- a meeting agenda;
- a list of Working Group members;
- a draft definition of election fraud;
- a list of reports and literature reviewed;
- a summary of interviews conducted and a list of experts interviewed;
- a list of experts interviewed;
- an analysis of news articles researched through Nexis;
- a summary of Department of Justice, Public Integrity Section cases, October 2002-January 2006;
- an analysis of case law review;
- a summary of research methodology recommendations from political scientists and experts in the field; and
- a CD with summaries of individual reports and literature reviewed, summaries of individual interviews, charts and summaries of news articles, and case law summary charts.

Please let me know if you have any questions.

Enclosures

cc: Tom Wilkey, Executive Director
Julie Thompson-Hodgkins, General Counsel
Gavin Gilmour, Associate General Counsel



VOTING FRAUD-VOTER INTIMIDATION WORKING GROUP MEETING

**Thursday, May 18, 2006
1:00 PM - 5:30 PM
U.S. Election Assistance Commission
1225 New York Avenue, N.W., 11th Floor
Washington, D.C. 20005**

AGENDA

1:00 PM - 1:30 PM	Introduction EAC Authority Overview and Purpose of Current Project Purpose and Members of the Working Group Related EAC Research
1:30 PM - 2:00 PM	Review of Preliminary Research Literature & Reports Interviews News Articles Court Cases
2:00 PM - 3:15 PM	Definition & Findings from Current Project Research
3:15 PM - 3:30 PM	Break
3:30 PM - 5:00 PM	Ideas for Future EAC Activities Recommended Research Methodologies Consultant Recommendations Working Group Ideas
5:00 PM - 5:30 PM	EAC Next Steps

May 12, 2006

Barbara Arnwine
Executive Director
Lawyers Committee for Civil Rights Under Law
1401 New York Avenue, NW, Suite 400
Washington, DC 20005

Dear Ms. Arnwine:

Thank you for agreeing to participate in the Voting Fraud-Voter Intimidation Working Group Meeting. This meeting will take place from 1:00 PM to 5:30 PM on Thursday, May 18th, 2006 at the offices of the U.S. Election Assistance Commission (EAC), 1225 New York Avenue, NW, 11th Floor, Washington, DC.

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

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

EAC's Board of Advisors recommended that the agency make research on these matters a high priority. Subsequently, the Commission contracted with two consultants (Job Serebrov and Tova Wang) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;

012609

May 12, 2006

Robert F. Bauer
Partner
Perkins Coie, LLP
607 Fourteenth Street, NW
Washington, DC 20005-2011

Dear Mr. Bauer:

Thank you for agreeing to participate in the Voting Fraud-Voter Intimidation Working Group Meeting. This meeting will take place from 1:00 PM to 5:30 PM on Thursday, May 18th, 2006 at the offices of the U.S. Election Assistance Commission (EAC), 1225 New York Avenue, NW, 11th Floor, Washington, DC.

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

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

EAC's Board of Advisors recommended that the agency make research on these matters a high priority. Subsequently, the Commission contracted with two consultants (Job Serebrov and Tova Wang) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;

012610

[DATE]

Craig C. Donsanto
Director
Election Crimes Branch
U.S. Department of Justice
Bond Building
1400 New York Avenue, NW, 12th Floor
Washington, DC 20005

Dear Mr. Donsanto:

The U.S. Election Assistance Commission's (EAC) requests your assistance in our preliminary research on voting fraud and voter intimidation. You are recognized for your expertise in the prosecution of election crimes. The project requires the information and insights that you can offer.

EAC is a federal agency established in accordance with section 201 of the Help America Vote Act of 2002 (HAVA), Public Law 107-252. Among the duties that HAVA requires EAC to perform is the conduct of studies regarding election administration issues. The election administration issues itemized in the statute include:

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

The EAC Board of Advisors, established in accordance with HAVA section 211, recommended that EAC place a high priority on these topics when initiating our research projects. Subsequently, EAC obtained the services of two consultants (Tova Wang and Job Serebrov) to:

- **Define Voting Fraud and Voter Intimidation** - develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;

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- **Research Available Resources** - perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;
- **Establish a Project Working Group** - in consultation with EAC, establish a Working Group composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation, provide a description of what constitutes voting fraud and voter intimidation and the results of the background research to the group, and convene the group to discuss potential avenues for future EAC research on this topic;
- **Produce a Report** - Provide a report to EAC summarizing the findings of the preliminary research effort and Working Group deliberations that includes recommendations for future EAC research, if any;
- **Assist EAC in Initiating Future Research** - if EAC decides to pursue one or more recommendations for future research, draft the project scope and Statement of Work for the Request for Proposals to be released on this research.

If you are available, our team of consultants and the EAC project manager, Peggy Sims, will contact you to set up an initial interview. This interview will focus on the identification and prosecution of offenses involving voting fraud and voter intimidations, as well as possible resources on these subjects for our consultants' review. Our consultants and project manager may have follow up questions as the research proceeds. It also would be helpful if you could participate in the meeting of the project Working Group and contribute to their discussion.

If you have any questions about the research or this request, please contact Peggy Sims by email at psims@eac.gov or by phone at 202-566-3120.

Sincerely yours,

Gracia Hillman
Chair

012612

VOTING FRAUD-VOTER INTIMIDATION MEETING SEATING CHART

	Tova Wang EAC Consultant	Job Serebrov EAC Consultant	
The Honorable Todd Rokita Indiana Secretary of State			Peggy Sims EAC Staff & COTR
Robert Bauer Partner, Perkins Coie			Craig Donsanto Director, Election Crimes Branch, DOJ (<i>Technical Consultant</i>)
Mark (Thor) Hearne II Partner-Member, Lathrop & Gage			Ray Martinez EAC Vice Chairman
Jon Greenbaum Director, Voting Rights Project, Lawyers Committee for Civil Rights Under Law			Paul DeGregorio EAC Chairman
Benjamin Ginsberg Partner, Patton Boggs LLP			Gavin Gilmour EAC Associate General Counsel
Kathy Rogers Director of Elections, Georgia Office of the Secretary of State			Edgardo Cortés EAC Staff
	Barry Weinberg Former Deputy Chief and Acting Chief, Voting Section, Civil Rights Division, U.S. Department of Justice	J.R. Perez Guadalupe County Elections Administrator, TX	

VOTING FRAUD-VOTER INTIMIDATION PROJECT WORKING GROUP CONTACT INFORMATION AS OF 5-5-06

FIRST NAME	LAST NAME	TITLE	ADDRESS 1	ADDRESS 2	ADDRESS 3	CITY	STATE	ZIP	SALU-TATION	PHONE	FAX
Barbara	Arnwine	Executive Director	Lawyers Committee for Civil Rights Under Law	1401 New York Avenue, NW, Suite 400		Washington	DC	20005	Ms.	202-662-8300; Assistant (202) 662-8382	202-783-0857
Robert F.	Bauer	Partner	Perkins Coie, LLP	607 Fourteenth Street N.W.		Washington	DC	20005-2011	Mr.	202-434-1602	202-434-1690
Benjamin L.	Ginsberg	Partner	Patton Boggs LLP	2550 M Street, NW		Washington	DC	20037	Mr.	202-457-6405	202-457-6315
Mark (Thor)	Hearne II	Partner-Member	Lathrop & Gage, LC	The Equitable Building	10 South Broadway, Suite 1300	St. Louis	MO	63102-1708	Mr.	314-613-2522 Assistant Bethany (314) 613 - 2510	314-613-2550
J.R.	Perez	Elections Administrator	Guadalupe County	307 Court St. West		Seguin	TX	78156-1346	Mr.	830-303-6363	830-303-6373
Kathy	Rogers	Director of Elections	Office of the Secretary of State	West Tower Suite 1104	2 Martin Luther King, Jr. Drive, SE	Atlanta	GA	30334-1505	Ms.	404-657-5380	404-651-9531
Todd	Rokita	Secretary of State	State House, Room 201	200 West Washington Street		Indianapolis	IN	46204	Secretar	317-232-6531, Asst 317-232-6536	317-233-3283
Barry	Weinberg		5201 Roosevelt St.			Bethesda	MD	20814	Mr.	301-493-5343	

Technical Advisor											
Craig C.	Donsanto	Director	Election Crimes Branch	U.S. Department of Justice	1400 New York Avenue, NW, 12th Floor	Washington	DC	20005	Mr.	202-514-1421	202-514-3003

012614

EMAIL
Assistant : Valerie Johnson; vjohnson@lawyerscommittee.org Barbara Arnwine; barnwine@lawyerscommittee.org

Rbauer@perkinscoie.com;
dlovecchio@perkinscoie.com
(assistant: Donna Lovecchio)
bginsberg@pattonboggs.com

Assistant: Bethany
(bschuler@lathropgage.com)
mhearne@lathropgage.com

irperez50@sbcglobal.net
krogers@sos.state.ga.us
Nathan Cane, Executive Assistant assistant@sos.in.gov
weintr@verizon.net

Craig.Donsanto@usdoj.gov
--

Voting Fraud-Voter Intimidation Working Group Attendees
May 18, 2006

The Honorable Todd Rokita*

Indiana Secretary of State

Kathy Rogers*

Director of Elections, Georgia Office of the Secretary of State

J.R. Perez*

Guadalupe County Elections Administrator, TX

Jon Greenbaum*

Director, Voting Rights Project, Lawyers Committee for Civil Rights Under Law
*(Representing Working Group member Barbara Arnwine, Executive Director,
Lawyers Committee for Civil Rights Under Law and Leader of Election Protection
Coalition)*

Robert Bauer*

Partner, Perkins Coie

Benjamin Ginsberg*

Partner, Patton Boggs LLP

Mark (Thor) Hearne II

Partner-Member, Lathrop & Gage

Barry Weinberg*

Former Deputy Chief and Acting Chief, Voting Section, Civil Rights Division, U.S.
Department of Justice

EAC Invited Technical Advisor:

Craig Donsanto*

Director, Election Crimes Branch, U.S. Department of Justice

EAC Commissioners, Consultants & Staff

Job Serebrov*

EAC Consultant

Tova Wang*

EAC Consultant

Paul DeGregorio*

EAC Chairman

012618

Ray Martinez*
EAC Vice Chairman

Gavin Gilmour*
EAC Associate General Counsel

Peggy Sims*
EAC Staff

Edgardo Cortés*
EAC Staff

Elle Collver
EAC Staff

Devon Romig
EAC Intern

Will stop by to greet, but will not sit at table

Tom Wilkey
EAC Executive Director

Julie Thompson-Hodgkins
EAC General Counsel

*** To be seated at table with name tents.**

4 people from the Academic, Legal and Advocacy Sectors

Barbara Arnwine

- Executive Director of the Lawyers Committee for Civil Rights Under Law, an organization involved in the legal struggle to secure racial justice and equal access to the electoral process for all voters
- Led the Election Protection program for the last several years, a nationwide grassroots education and legal effort deploying thousands of volunteers and using a nationally recognized voter hotline to protect voters' rights on election day

Robert Bauer (D)

- Chair of the Political Law Practice at the law firm of Perkins Coie, DC.
- National Counsel for Voter Protection, Democratic National Committee.
- Counsel to the Democratic Senatorial and Congressional Campaign Committees.
- Co-Author, Report of Counsel to the Senate Rules and Administration Committee in the Matter of the United States Senate Seat from Louisiana in the 105th Congress of the United States, (March 27, 1997).
- Author of *United States Federal Election Law*, and one of the foremost attorneys in the country in the area of federal/state campaign finance and election laws.

Mark (Thor) Hearne II (R)

- Partner-Member, Lathrop & Gage, St Louis, MO
- Counsel to Republican National Committee.
- National Counsel to American Center for Voting Rights.
- National election counsel to Bush-Cheney, '04.
- Testified before U.S. House Administration Committee hearings into conduct of Ohio presidential election.
- Academic Advisor to Commission on Federal Election Reform (Baker-Carter Commission).

David A. Norcross (R)

- Partner, Blank Rome LLP, Trenton NJ, Washington D.C.
- General Counsel, Republican National Committee, 1993 – 1997, during which time he had to address voter fraud issues each year and was material in developing the vote protection plans in several states including **South Dakota**.
- Chairman, **New Jersey** Republican State Committee, 1977 – 1981.
- General Counsel, International Republican Institute
- Counsel, The Center for Democracy.
- Vice Chairman, Commission on Presidential Debates.

- Former Executive Director, New Jersey Election Law Enforcement Commission.

2 State Level Election Officials

Todd Rokita (R)

- **Indiana**; Secretary of State
- Member of EAC Standards Board and the Executive Board of the Standards Board

Kathy Rogers(D)

- **Georgia** Director of Elections, Office of the Secretary of State
- Member of EAC Standards Board

1 Nonpartisan Local Election Official

(Trying to confirm a nonpartisan local official from Texas or Arizona)

1 Representative from DOJ

(Trying to confirm the participation of Barry Weinberg, former Deputy Chief of the Voting Section, Civil Rights Division, DOJ, who is retired)

Craig Donsanto, Chief, Election Crimes Branch, DOJ will participate in this project as a technical advisor and therefore will not take up a slot on the working group, though we have asked him to be present during its discussions.

The Honorable Todd Rokita

Secretary of State
State House, Room 201
200 West Washington Street
Indianapolis, IN 46204
Phone: 317-232-6531
Fax 317-233-3283
Email:

Kathy Rogers

Director of Elections
Office of the Secretary of State
West Tower, Suite 1104
2 Martin Luther King, Jr. Drive, SE
Atlanta, GA 30334-1505
Phone: 404-656-2871
Fax: 404/651--9531
Email:

David A. Norcross

Blank Rome, LLP
Sustaining Member
Watergate, Twelfth Floor
600 New Hampshire Avenue, N.W.
Washington, DC 20037
Phone: 202 785-4100
Fax: 202 785-5588
Email: norcross@blankrome.com

May 12, 2006

Mark (Thor) Hearne II
Partner-Member
Lathrop & Gage, LC
The Equitable Building
10 South Broadway, Suite 1300
St. Louis, MO 63102-1708

Dear Mr. Hearne:

Thank you for agreeing to participate in the Voting Fraud-Voter Intimidation Working Group Meeting. This meeting will take place from 1:00 PM to 5:30 PM on Thursday, May 18th, 2006 at the offices of the U.S. Election Assistance Commission (EAC), 1225 New York Avenue, NW, 11th Floor, Washington, DC.

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

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

EAC's Board of Advisors recommended that the agency make research on these matters a high priority. Subsequently, the Commission contracted with two consultants (Job Serebrov and Tova Wang) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;

012621

May 12, 2006

<FIRST NAME> <LAST NAME>
<TITLE>
<ADDRESS 1>
<ADDRESS 2>
<ADDRESS 3>
<CITY>, <STATE> <ZIP>

Dear <SALUTATION> <LAST NAME>:

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- establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;
- provide the description of what constitutes voting fraud and voter intimidation and the results of the preliminary research to the working group, and convene the working group to discuss potential avenues for future EAC research on this topic; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;

Your ideas for possible EAC activities related to this topic will help the agency as it plans future actions to meet its HAVA responsibilities.

For your information, the folder accompanying this letter includes:

- a meeting agenda;
- a list of Working Group members;
- a draft definition of election fraud;
- a list of reports and literature reviewed;
- a summary of interviews conducted and a list of experts interviewed;
- a list of experts interviewed;
- an analysis of news articles researched through Nexis;
- a summary of U.S. Department of Justice, Public Integrity Section cases, October 2002-January 2006;
- an analysis of case law review;
- a summary of research methodology recommendations from political scientists and experts in the field; and
- a CD with summaries of individual reports and literature reviewed, summaries of individual interviews, charts and summaries of news articles, and case law summary charts.

I look forward to having a productive meeting with you. If you have any questions, please do not hesitate to contact me by email (psims@eac.gov) or by telephone (1-866-747-1471, toll free, or 202-566-3120, direct).

Sincerely yours,

Peggy Sims
Election Research Specialist

Enclosures

Dear Job Serebrov

Some additional information: I have put together and run election day / ballot security programs in Oklahoma and North Carolina; I testified before the House Judiciary Committee on HAVA and also worked closely with Sen. Kit Bond's office & staff on the drafting of the Senate version of the legislation. I now serve as outside counsel to the National Republican Senatorial Committee and have been putting together the preliminary outline of the ballot security program for the 2006 election cycle, working with the Office of Public Integrity of the Dept of Justice on this very topic. Let me know if you want/need more information.

Thanks! Cleta

Cleta Mitchell

Washington, D.C.

cmitchell@foley.com

P 202.295.4081

Cleta Mitchell

Partner

Cleta Mitchell is a partner in the Washington, D.C. office of Foley & Lardner LLP as a member of the firm's Public Affairs Practice Group. Ms. Mitchell has more than 30 years of experience in law, politics and public policy. She advises corporations, nonprofit organizations, candidates, campaigns, and individuals on state and federal election and campaign finance law, and compliance issues related to lobbying, ethics and financial disclosure. Ms. Mitchell practices before the Federal Election Commission and similar federal and state enforcement agencies.

Ms. Mitchell was a member of the Oklahoma House of Representatives from 1976-1984 where she chaired the House Appropriations and Budget Committee. She served on the executive committee of the National Conference of State Legislatures.

Ms. Mitchell was in private law practice in Oklahoma City in litigation and administrative law until 1991 when she became director and general counsel of the Term Limits Legal Institute in Washington, D.C. She litigated cases in state and federal courts nationwide on congressional term limits. She served as co-counsel with former U.S. Attorney General Griffin Bell in the U.S. Supreme Court case on

**Deliberative Process
Privilege**

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term limits for members of Congress.

Ms. Mitchell represents numerous Republican candidates, campaigns and members of Congress, including Senator Elizabeth Dole (R-NC), Sen. Jim Inhofe (R-OK) Sen. David Vitter (R-LA), Rep. Roy Blunt (R-MO) and Rep. Tom Cole (R-OK), among others. She is legal counsel to the National Republican Senatorial Committee. Ms. Mitchell served as co-counsel for the National Rifle Association in the Supreme Court case involving the 2002 federal campaign finance law.

Ms. Mitchell has testified before Congress several times and is a frequent speaker and guest commentator on election law and politics. In 1999, she authored *The Rise of America's Two National Pastimes: Baseball and the Law*, published by the *University of Michigan Law Review*.

Ms. Mitchell received her B.A. (high honors, 1973) and J.D. (1975) from the University of Oklahoma. She is admitted to practice in the District of Columbia, the State of Oklahoma, the Supreme Court of the United States and federal district and appellate courts.

David A. Norcross

Present:

National Committeeman, New Jersey Republican State Committee
elected March 14, 1992

Attorney at Law, Blank Rome LLP, Trenton NJ, Washington D.C.
Senior Principal, Blank Rome Government Relations LLC

Previous:

Chairman, New Jersey Republican State Committee, 1977 – 1981

General Counsel, Republican National Committee, 1993 – 1997

General Counsel, International Republican Institute

Counsel, The Center for Democracy

Vice Chairman, Commission on Presidential Debates

Executive Director, New Jersey Election Law Enforcement Commission

Member, Twentieth Century Fund Task Force on the Presidential Debate Process

RNC:

RNC Northeastern State Chairmen's Association, 1977 – 1981;
Chairman, 1980 – 1981

Counsel, RNC Chairman Frank Fahrenkopf, 1983 – 1989

Counsel, Republican National Convention, 1988

RNC Committee on Arrangements, Republican National Convention, 1996

RNC Special Task Force on Primaries and Caucuses, 1996

Chairman, RNC Campaign Finance Task Force, 1997

Delegate, Republican National Convention, 1980, 1992, 1996, 2000, 2004

RNC Committee on Rules and Order of Business, Republican National Convention,
1992, 1996, 2000; 2004

Chairman, RNC Committee on Arrangements, Republican National Convention, 2004

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RNC Committee on Rules and Order of Business, 1992 -
Chairman, 2005 -

Personal:

Spouse: Laurie L. Michel

Children: Spencer, Victoria

Education: B.S., University of Delaware; L.L.B. University of Pennsylvania

Working Group One Line Information

I recommend the first four with an *

***Mark (Thor) Hearne II**-Counsel to Republican National Committee; National Counsel to American Center for Voting Rights; National election counsel to Bush-Cheney, '04; Testified before U.S. House Administration Committee hearings into conduct of Ohio presidential election; Academic Advisor to Commission on Federal Election Reform (Baker-Carter Commission).

***Todd Rokita**-Secretary of State, Indiana; Secretary Rokita strives to reform Indiana's election practices to ensure Indiana's elections are as fair, accurate and accessible as possible; Secretary Rokita serves on the nine-member Executive Board of the Election Assistance Commission Standards Board, charged by federal law to address election reform issues.

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Mark Braden-Of counsel at Baker & Hostetler; He concentrates his work principally on election law and governmental affairs, including work with Congress, the Federal Election Commission, state campaign finance agencies, public integrity issues, political broadcast regulation, contests, recounts, the Voting Rights Act, initiatives, referendums and redistricting; His expertise is mainly outside of the voter fraud area.

012629

4 PEOPLE FROM THE ACADEMIC, LEGAL and ADVOCACY SECTORS

Barbara Arnwine

- Executive Director of the Lawyers Committee for Civil Rights Under Law, an organization involved in the legal struggle to secure racial justice and equal access to the electoral process for all voters
- Led the Election Protection program for the last several years, a nationwide grassroots education and legal effort deploying thousands of volunteers and using a nationally recognized voter hotline to protect voters' rights on election day

Robert Bauer

- Chair of the Political Law Practice at the law firm of Perkins Coie, DC.
- National Counsel for Voter Protection, Democratic National Committee.
- Counsel to the Democratic Senatorial and Congressional Campaign Committees.
- Co-Author, Report of Counsel to the Senate Rules and Administration Committee in the Matter of the United States Senate Seat from Louisiana in the 105th Congress of the United States, (March 27, 1997).
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- Chairman, New Jersey Republican State Committee, 1977 – 1981.
- General Counsel, International Republican Institute
- Counsel, The Center for Democracy.
- Vice Chairman, Commission on Presidential Debates.
- Former Executive Director, New Jersey Election Law Enforcement Commission.

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2 STATE LEVEL ELECTION OFFICIALS

Todd Rokita

- Indiana Secretary of State
- Member of EAC Standards Board and the Executive Board of the Standards Board

Kathy Rogers

- Georgia Director of Elections, Office of the Secretary of State
- Member of EAC Standards Board

1 NONPARTISAN LOCAL ELECTION OFFICIAL

~~(Trying to confirm a nonpartisan local official from Texas or Arizona)~~

1 REPRESENTATIVE FROM DOJ (RETIRED)

Barry Weinberg

- Deputy Chief (retired), Voting Section, Civil Rights Division, U.S. Department of Justice
- IFES consultant

NOTE:

Craig Donsanto, Director, Election Crimes Branch, U.S. Department of Justice will participate in this project as a technical advisor and therefore will not take up a slot on the working group, though we have asked him to be present during its discussions.

Bob Bauer, Perkins Coie, Democratic attorney
Cathy Cox, Secretary of State, Georgia
Barbara Arnwine, Lawyers Committee for Civil Rights under Law
Daniel Tokaji, Moritz College of Law, The Ohio State University
Wade Henderson, Leadership Conference for Civil Rights
Laughlin McDonald, ACLU Voting Rights Project
Wendy Weiser, Brennan Center
Donna Brazile, Brazile and Associates, LLC
Christopher Edley, Dean, Boalt Hall School of Law
Joseph Sandler, Sandler, Reif & Young

Alternates:

Chandler Davidson, Rice University
Jay Eads, Deputy Secretary of State, Mississippi
David Orr, Cook County Clerk
Allan Lichtman, American University
Miles Rapoport, Demos
Jonah Goldman, Lawyers Committee for Civil Rights

012632

To: Peggy Sims
From: Tova Wang
Re: Working Group Recommendations
Date: November 12, 2005

*Wendy R. Weiser, Associate Counsel in the Democracy Program at the Brennan Center for Justice at NYU School of Law and an expert in federal and constitutional law, has done a great deal of research, writing, speaking, and litigating on voting rights and election law issues. As part of the Brennan Center's wide ranging activities in the area of democracy, Ms. Weiser is currently overseeing an analysis and investigation of recent allegations of voter fraud throughout the country.

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Robert Bauer is the Chair of the Political Law Practice at the law firm of Perkins Coie, National Counsel for Voter Protection, Democratic National Committee, Counsel to the Democratic Senatorial and Congressional Campaign Committees and Co-Author, Report

012633

of Counsel to the Senate Rules and Administration Committee in the Matter of the United States Senate Seat from Louisiana in the 105th Congress of the United States, (March 27, 1997). He is the author of *United States Federal Election Law*, and one of the foremost attorneys in the country in the area of federal/state campaign finance and election laws.

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012634

4 people from the *Academic, Legal and Advocacy* sectors

Barbara Arnwine

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2 State Level Election Officials

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on the nine-member Executive Board of the Election Assistance Commission Standards Board, charged by federal law to address election reform issues.

(D)

(possibly Cathy Cox, **Georgia** Secretary of State or Kathy Rogers, Georgia Director of Elections)

1 Nonpartisan local election official

Texas county Election Administrator (looking at Webb County, or El Paso County, Helen Jamison)

or

Gilberto Hoyos, Pinal County, Arizona Elections Department Director (Does not do VR)
Gilbert B. Hoyos has served as Pinal County's Election Director since April 12, 1982. A native of Douglas, Arizona, he has over 25 years experience in government, in conducting and administering elections. He attended the University of Arizona and was hired part-time by Pima County in 1970 as an Election Technician. In 1973 Pima County placed him on permanent status where he served in numerous election positions.

Mr. Hoyos is a member of the International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT), Election Officials of Arizona and the Arizona Association of Counties. He is presently State Delegate Director of the Arizona IACREOT Delegation, President of the Election Officials of Arizona, serves on the Federal Election Commission's Advisory Board, is a member of the State of Arizona Certification of Election Officers Committee and served on the Arizona Election Law Revision Committee.

1 Representative from DOJ

Barry Weinberg ???

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Possible Working Group Members - Serebrov

I recommend the first four with an *

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From: Tova Wang
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Office: c/o Lathrop & Gage, L.C.
10 South Broadway; 13th Floor
Saint Louis, Missouri 63102

e-Mail – [REDACTED]
Office Direct Dial – (314) 613-2522
Office Facsimile – (314) 613-2550

Home: [REDACTED]

Home – [REDACTED]
Cell – [REDACTED]

MARK F. (THOR) HEARNE, II

Professional

1997 – Current Partner - Member Saint Louis, Missouri
Lathrop & Gage, L.C.

- **General Counsel to Closely Held Businesses:** Clients concentrated in real estate and technology. As general counsel represented clients in negotiating complex commercial transactions, advised clients in general corporate matters including succession-planning, tax matters and litigation. Manage and supervise other counsel assisting in this representation. Counsel clients in public policy matters and the formation and management of private foundations, trusts, faith-based organizations and philanthropic enterprises. Lead litigation counsel in state and federal court (trial and appellate) and oversaw and managed litigation in state and federal court. Experienced in overseeing and managing significant state and federal litigation in Missouri, Michigan, Ohio, Florida, New Mexico, Wisconsin, Minnesota, Pennsylvania, Nevada, California, Georgia, Indiana, Iowa and other states.
- **Constitutional Law, Election Law and Government Relations:** General Counsel to various federal, state and local candidates, political parties and campaigns. State and national litigation counsel to candidates for state and federal office. Expertise in compliance with state and federal campaign finance regulation, matters concerning the conduct of an election and litigation concerning these issues. Advise businesses on compliance with state and federal campaign finance regulation and political activity. Representation of clients in matters concerning compliance with regulatory action by Federal Election Commission and the Missouri Ethics Commission. Village Attorney and Prosecutor, Town of Grantwood Village, Missouri (1995 – Present). Representation of clients in various municipal law matters and related litigation. Regional counsel to major national wireless-PCS telecommunications firm on matters of federal Telecommunications Act and state and local government litigation and regulation. Committee Member to Help America Vote Act committee appointed by Missouri Secretary of State Matt Blunt to advise on implementation of Help America Vote Act and related state legislation and rulemaking.
- **Real Estate, Banking and Property Rights:** Counsel to Federal and State financial institutions in complex real estate transactions and related financings involving governmental approvals, tax, environmental or other regulatory complexities. Successfully negotiated numerous multi-million dollar real estate transactions and represented clients in related real estate development, land use proceedings and litigation involving zoning and takings cases. Lead counsel to

Mark F. (Thor) Hearne, II – cont.

class of property owners in landmark federal Rails-to-Trails takings cases in U.S. Court of Claims.

- **Recent Professional Accomplishments:** Counsel to Republican National Committee, National Counsel to American Center for Voting Rights, National election counsel to Bush-Cheney, '04. Testified before U.S. House Administration Committee hearings into conduct of Ohio presidential election. Academic Advisor to Commission on Federal Election Reform (Baker-Carter Commission), General Counsel to Missouri Governor Matt Blunt and Missourians for Matt Blunt, Congressman Kenny Hulshof and Congressman Todd Akin. Advice campaigns on various matters of campaign finance (state and federal), litigation before Missouri Ethics Commission and campaign communication and political advertising. Counsel for successful intervenors in *Hawkins v. Blunt* federal litigation concerning Missouri provisional ballot procedures and the Help America Vote Act. Counsel for Bush-Cheney-2000 in *Bush-Cheney, 2000, Inc. v. Baker* 34 S.W.3d 410 (Mo. App, 2000), successful emergency appeal quashing Circuit Court order holding polls open beyond legal closing hour. Counsel for Plaintiffs in *Corbett v. Sullivan*, St. Louis County redistricting litigation (federal civil rights action) in U.S. District Court. Successful redistricting on behalf of Republican plaintiffs and NAACP intervenors. Counsel for Missouri Senator Bill Alter in successfully defending victory in 2005 Missouri Senate Special Election recount, Counsel to U.S. Congressmen Todd Akin in *Akin v. McNary*, successful defense of Congressman Akin's primary election recount. Counsel for Town of Grantwood Village in successful Fifth Amendment takings case in U.S. Court of Claims, *Grantwood Village v. United States*, 45 Fed Cl. 771 (Cl. Ct. 2000), (consolidated for partial summary judgment sub nomina *Glosemeyer v. United States*). Counsel for plaintiff in *Lowe v. American Standard*, federal jury trial in February 2005. Jury returned verdict for Plaintiff in full amount of claim in excess of \$500,000.

1988–1997 Partner - Principal Saint Louis, Missouri

Ziercher & Hocker, P.C.

- **General Counsel Closely Held Businesses** (*see description above*)
Additionally, significant real estate related environmental experience including federal Clean Water Act – Wetlands issues.
- **Constitutional Law and Government Relations:** Village Attorney, Town of Grantwood Village (1995 –Present).

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Mark F. (Thor) Hearne, II – cont.

Political Experience

- **2005:** National counsel to American Center for Voting Rights, Academic-Advisor to Commission on Federal Election Reform (Baker-Carter Commission), Counsel to Republican National Committee, counsel to Missouri Governor Matt Blunt and Missourians for Blunt. Campaign counsel to Congressman Kenny Hulshof, and Congressman Todd Akin. Testified before U.S. House Administration Committee in hearings into conduct of Ohio presidential election.
- **2004:** National election counsel to Bush-Cheney '04. Advised campaign on issues of national election law and litigation strategy and recruited and organized local counsel and oversaw election litigation in all battleground states. Delegate to Republican National Convention, Missouri State Republican Convention and Chairman of Missouri Republican Platform Committee and member of National Republican Platform Committee. General Counsel to Missouri Governor-elect Matt Blunt, Congressman Kenny Hulshof, and Congressman Todd Akin.
- **2003 – 2004:** Vice-President and Director of Election Operations for Republican National Lawyers Association, Chair of National Election Law School and Seminar, Orange County, California, August 2003 and Milwaukee, Wisconsin in July 2004. Advisor to California State Party counsel on Governor Arnold Schwarzenegger campaign and California recall election on Election Day operations and litigation.
- **2000 - 2002:** Republican National Lawyers Association, Vice-President-Director Election Operations, Counsel to Bush-Cheney – 2000, Inc., Coordinated Missouri Election Day Legal Team and counsel in *Bush-Cheney, 2000, Inc. v. Baker* (see above), Broward County, Florida Recount Team – Observer, Counsel to U.S. Congressman Todd Akin and Missouri Republican Party, Missouri State Republican Convention – Alternate – Clayton Township
- **1988:** Republican Candidate U.S. Congress, Missouri 3rd Cong. Dist – Successfully raised in excess of \$200,000 and received campaign fundraising support from former Secretary of Interior, Don Hodel, former U.S. Senator Bill Armstrong and former U.S. Congressman Tom Curtis, Chairman.
- **1986-1987 -** Reagan Administration – U.S. Department of Education, Office for Civil Rights, Attorney-Advisor-Law Clerk.
- **1984 -1980 -** Missouri Republican Convention, Alternate
- **1976 –** National & Missouri Republican Convention, Page

Professional Memberships

Admitted to practice before: U.S. Supreme Court, Michigan Supreme Court, Missouri Supreme Court, U.S. Court of Appeals - 8th Circuit, U.S. Court of International Trade, U.S. Court of Claims, U.S. Court of Appeals for the Federal Circuit, U.S. Court of Appeals for the Second Circuit. Member: Michigan Bar Association (tax, aviation and real estate law committees), Missouri Bar Association, Bar Association of Metropolitan St. Louis, American Bar Association; Named as one "Up and Coming Young Attorneys," St. Louis Business Journal. Named on of top ten attorneys in 2004 by Missouri Lawyers Weekly. Member, Republican National Lawyers Association.

Mark F. (Thor) Hearne, II – cont.

Education

Washington University, School of Law – St. Louis, Missouri – 1986, *Juris Doctorate*

Washington University – St. Louis, Missouri – 1983, B.A. Biology - Psychology

University of Tulsa – Tulsa Oklahoma – 1979 – 1980, Biology – Psychology

Interests

FAA Licensed Pilot, Sunshine Mission – former member Board of Directors (faith-based inner-city ministry) and current advisory board member, Member Philanthropy Roundtable, National Public Radio – Political Commentator St. Louis Affiliate KWMU, Republican National Lawyers Association, former vice-president and board member, Westminster Christian Academy – former member Board of Directors.

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SECRETARY OF STATE STATE OF INDIANA

TODD ROKITA

SECRETARY OF STATE

Indiana Secretary of State Todd Rokita Biographical Information

At the age of 35, Secretary Rokita is the second youngest Secretary of State in the country. First elected to the third highest office in state government in 2002, Secretary Rokita served for a year as the youngest Secretary of State in the nation.

As Indiana's chief election official, Secretary Rokita continues to work on reforming Indiana's election practices to ensure Indiana's elections are as fair, accurate and accessible as possible. By embracing technology and accountability, Secretary Rokita is leading the effort to make Indiana a 21st century election administration model. Rokita serves on the nine-member Executive Board of the Election Assistance Commission Standards Board, charged by federal law to address election reform issues. Secretary Rokita has testified about Indiana's voting reform efforts before the United States Congress.

Secretary Rokita also serves as Indiana's chief securities fraud investigator. Secretary Rokita's office has uncovered investor fraud scams and helped secure numerous felony convictions and thousands of dollars in restitution.

In his role as the head of Indiana's Business Services Division, Secretary Rokita has continued making Indiana a pioneer in e-government initiatives.

As Secretary of State, Rokita visits each of Indiana's 92 counties at least once each year. Rokita continues to serve as a precinct committeeman during each election, and was recently named as one of the "40 under 40" by the Indianapolis Business Journal.

A native of Munster, he holds a law degree from Indiana University School of Law-Indianapolis and a Bachelor of Arts degree from Wabash College. At Wabash, Rokita earned distinction as an Eli Lilly Fellow. After law school, Secretary Rokita worked as a practicing attorney.

Rokita began serving in the Secretary of State's office in 1997. As the Deputy Secretary of State and in other positions, Rokita helped implement user-friendly e-government services, provided tougher securities enforcement, and championed significant election reforms.

Secretary Rokita is active in the National Association of Secretaries of State, having served in 2004 as the Chair of the Voter Participation Committee and serving in 2005 as the Vice Chair of the organization's Securities Committee.

Secretary Rokita is a member of the Director's Circle of the Indiana Council for Economic Education, the state and local bar Associations, the Knights of Columbus, and the National Rifle Association. A commercial-rated pilot, Secretary Rokita volunteers his time by flying people in need of non-emergency medical care to hospitals and clinics throughout the Midwest for treatment.

Secretary Rokita lives in Indianapolis with his wife, Kathy and they are members of St. Thomas More Parish.

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Education

- Georgetown University Law Center, J.D., 1982
- University of Pennsylvania, A.B., 1974

Bar Admissions

- District of Columbia

Benjamin L. Ginsberg represents numerous political parties, political campaigns, candidates, members of Congress and state legislatures, Governors, corporations, trade associations, vendors, donors and individuals participating in the political process.

In both the 2004 and 2000 election cycles, Mr. Ginsberg served as national counsel to the Bush-Cheney presidential campaign; he played a central role in the 2000 Florida recount. He also represents the campaigns and leadership PACs of numerous members of the Senate and House, as well as the Republican National Committee, National Republican Senatorial Committee and National Republican Congressional Committee. He serves as counsel to the Republican Governors Association and has wide experience on the state legislative level from directing Republican redistricting efforts nationwide following the 1990 Census and being actively engaged in the 2001—2002 round of redistricting.

In addition to advising on election law issues, particularly those involving federal and state campaign finance laws, ethics rules, redistricting, communications law, and election recounts and contests, Mr. Ginsberg represents clients before Congress and state legislatures.

Before entering law school, he spent five years as a newspaper reporter on The Boston Globe, Philadelphia Evening Bulletin, The Berkshire (Mass.) Eagle, and The Riverside (Calif.) Press-Enterprise. He has been adjunct professor of law at the Georgetown University Law Center lecturing on law and the political process.

Representative Matters:

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- Mr. Ginsberg represents a variety of clients on Capitol Hill on a wide range of issues including appropriations, trade, broadcasting and health care.

ARTICLES

- Mr. Ginsberg appears frequently on television commenting on law and politics.

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EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				in the 2004 general election and Brandon E. Jones, who voted both in Raytown and Kansas City, Missouri in the 2004 general election. Both pled guilty.			
United States v. Raymond; United States v. McGee; United States v. Tobin; United States v. Hansen	New Hampshire	04-CR-00141; 04-CR-00146; 04-CR-00216; 04-CR-00054	December 15, 2005	Two informations were filed charging Allen Raymond, former president of a Virginia-based political consulting firm called GOP Marketplace, and Charles McGee, former executive director of the New	No	N/A	No

Deliberative Process
Privilege

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EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>Hampshire State Republican Committee, with conspiracy to commit telephone harassment using an interstate phone facility in violation of 18 U.S.C. section 371 and 47 U.S.C. section 223. The charges stem from a scheme to block the phone lines used by two Manchester organizations to arrange drives to the polls during the 2002 general election. Both</p>			

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>pled guilty. James Tobin, former New England Regional Director of the Republican National Committee, was indicted on charges of conspiring to commit telephone harassment using an interstate phone facility in violation of 18 U.S.C. section 371 and 47 U.S.C. section 223. An information was filed charging Shaun Hansen, the principal of an</p>			

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>Idaho telemarketing firm called MILO Enterprises which placed the harassing calls, with conspiracy and aiding and abetting telephone harassment, in violation of 18 U.S.C. section 371 and 2 and 47 U.S.C. section 223. The information against Hansen was dismissed upon motion of the government. A superseding indictment was returned</p>			

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>against Tobin charging conspiracy to impede the constitutional right to vote for federal candidates, in violation of 18 U.S.C. section 241 and conspiracy to make harassing telephone calls in violation of 47 U.S.C. section 223. Tobin was convicted of one count of conspiracy to commit telephone harassment and one count of aiding and abetting of telephone</p>			

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				harassment.			
United States v. Workman	Western North Carolina	1:03-CR-00038	June 30, 2003	A ten-count indictment was returned charging Joshua Workman, a Canadian citizen, with voting and related offenses in the 200 and 2002 primary and general elections in Avery County, North Carolina, in violation of 18 U.S.C. sections 611, 911, 1001, and 1015(f). Workman pled guilty to providing false information to election officials and to	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				a federal agency.			
United States v. Shatley, et al.	Western North Carolina	5:03-CR-00035	May 14, 2004	A nine-count indictment was returned charging Wayne Shatley, Anita Moore, Valerie Moore, Carlos "Sunshine" Hood and Ross "Toogie" Banner with conspiracy and vote buying in the Caldwell County 2002 general election, in violation of 42 U.S.C. section 1973i(c) and 18 U.S.C. section 371. Anita and Valerie Moore pled guilty. Shatley, Hood,	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				and Banner were all convicted.			
United States v. Vargas	South Dakota	05-CR-50085	December 22, 2005	An indictment was filed against Rudolph Vargas, for voting more than once at Pine Ridge in the 2002 general election in violation of 42 U.S.C. section 1973i(e). Vargas pled guilty.	No	N/A	No
United States v. Wells; United States v. Mendez; United States v. Porter; United States v. Hrutkay; United States v. Porter; United States v.	Southern West Virginia	02-CR-00234; 2:04-CR-00101; 2:04-CR-00145; 2:04-CR-00149; 2:04-CR-	July 22, 2003; July 19, 2004; December 7, 2004; January 7, 2005; March 21, 2005;	Danny Ray Wells, Logan County, West Virginia, magistrate, was indicted and charged with violating 18 U.S.C. section	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
Stapleton; United States v. Thomas E. Esposito; United States v. Nagy; United States v. Adkins; United States v. Harvey		00173; 2:05-CR-00002; 05-CR-00019; 05-CR-00148; 05-CR-00161	October 11, 2005; December 13, 2005	1962. Wells was found guilty. A felony indictment was filed against Logan County sheriff Johnny Mendez for conspiracy to defraud the United States in violation 18 U.S.C section 371. Mendez pled guilty. An information was filed charging former Logan County police chief Alvin Ray Porter, Jr., with making expenditures to influence voting in violation of 18 U.S.C. section			

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>597. Porter pled guilty. Logan County attorney Mark Oliver Hrutkay was charged by information with mail fraud in violation of 18 U.S.C. section 1341. Hrutkay pled guilty. Earnest Stapleton, commander of the local VFW, was charged by information with mail fraud. He pled guilty. An information was filed charging Thomas E. Esposito, a former mayor of the City of</p>			

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>Logan, with concealing the commission of a felony, in violation of 18 U.S.C. section 4. Esposito pled guilty. John Wesley Nagy, Logan County Court marshall, pled guilty to making false statements to a federal agent, a violation of 18 U.S.C. section 1001. An information charging Glen Dale Adkins, county clerk of Logan County, with accepting payment for voting, in violation of 18</p>			

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				U.S.C. section 1973i(c). Adkins pled guilty. Perry French Harvey, Jr., a retired UMW official, pled guilty to involvement in a conspiracy to buy votes.			
United States v. Adkins, et al.	Southern West Virginia	2:04-CR-00162	December 28 & 30, 2005	Jackie Adkins was indicted for vote buying in Lincoln County, West Virginia, in violation of 42 U.S.C. section 1973i(c). A superceding indictment added Wandell "Rocky" Adkins to the indictment and charged both defendants with	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>conspiracy to buy votes in violation of 18 U.S.C. section 371 and vote buying. A second superseding indictment was returned which added three additional defendants, Gegory Brent Stowers, Clifford Odell "Groundhog" Vance, and Toney "Zeke" Dingess, to the conspiracy and vote buying indictment. Charges were later dismissed against Jackie Adkins. A third superseding</p>			

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>indictment was returned adding two additional defendants, Jerry Allen Weaver and Ralph Dale Adkins. A superseding information was filed charging Vance with expenditures to influence voting, in violation of 18 U.S.C. section 597. Vance pled guilty. Superseding informations were filed against Stowers and Dingess for expenditures to influence voting, in</p>			

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				violation of 18 U.S.C. section 597. Both defendants pled guilty. Weaver also pled guilty. Superseding informations were filed against Ralph and Wandell Adkins for expenditures to influence voting, in violation of 18 U.S.C. section 597. Both defendants pled guilty.			
United States v. Davis; United States v. Byas; United States v. Ocasio; United States v. Prude; United States v.	Eastern Wisconsin	2:05-MJ-00454; 2:05-MJ-00455; 2:05-CR-00161; 2:05-CR-	September 16, 2005; September 21, 2005; October 5, 2005; October 26,	Criminal complaints were issued against Brian L. Davis and Theresa J. Byas charging them	No	N/A	Need updated status on Gooden and the Anderson, Cox, Edwards, and Little cases.

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
Sanders; United States v. Alicea; United States v. Brooks; United States v. Hamilton; United States v. Little; United States v. Swift; United States v. Anderson; United States v. Cox; United States v. Edwards; United States v. Gooden		00162; 2:05-CR-00163; 2:05-CR-00168; 2:05-CR-00170; 2:05-CR-00171; 2:05-CR-00172; 2:05-CR-00177; 2:05-CR-00207; 2:05-CR-00209; 2:05-CR-00211; 2:05-CR-00212	2005; October 31, 2005, November 10, 2005	with double voting, in violation of 42 U.S.C. section 1973i(e). Indictments were filed against convicted felons Milo R. Ocasio and Kimberly Prude, charging them with falsely certifying that they were eligible to vote, in violation of 42 U.S.C. section 1973gg-10(2)(B), and against Enrique C. Sanders, charging him with multiple voting, in			

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				violation of 42 U.S.C. section 1973i(e). Five more indictments were later returned charging Cynthia C. Alicea with multiple voting in violation of 42 U.S.C. section 1973i(e) and convicted felons Deshawn B. Brooks, Alexander T. Hamilton, Derek G. Little, and Eric L. Swift with falsely certifying that they were eligible to vote			

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>in violation of 42 U.S.C. section 1973gg-10(2)(B). Indictments were filed against Davis and Byas charging them with double voting. Four more indictments were returned charging convicted felons Ethel M. Anderson, Jiyto L. Cox, Correan F. Edwards, and Joseph J. Gooden with falsely certifying that they were eligible to vote.</p>			

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>Ocasio and Hamilton pled guilty. Prude was found guilty. A mistrial was declared in the Sanders case. Brooks was acquitted. Byas signed a plea agreement agreeing to plead to a misdemeanor 18 U.S.C. section 242 charge. Swift moved to change his plea. Davis was found incompetent to stand trial so the government dismissed the case. Gooden is a fugitive.</p>			

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				Alicea was acquitted. Four cases are pending --- Anderson, Cox, Edwards, and Little.			

EAC Voting Fraud-Voter Intimidation Preliminary Research
Disability Access Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
Am. Ass'n of People with Disabilities v. Shelley	United States District Court for the Central District of California	324 F. Supp. 2d 1120; 2004 U.S. Dist. LEXIS 12587	July 6, 2004	Plaintiffs, disabled voters and organizations representing those voters, sought to enjoin the directives of defendant California Secretary of State, which decertified and withdrew approval of the use of certain direct recording electronic voting systems. One voter applied for a temporary restraining order, or, in	The voters urged the invalidation of the Secretary's directives because, allegedly, their effect was to deprive the voters of the opportunity to vote using touch--screen technology. Although it was not disputed that some disabled persons would be unable to vote independently and in private without the use of DREs, it was clear that they would not be	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research
Disability Access Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				the alternative, a preliminary injunction.	deprived of their fundamental right to vote. The Americans with Disabilities Act did not require accommodation that would enable disabled persons to vote in a manner that was comparable in every way with the voting rights enjoyed by persons without disabilities. Rather, it mandated that voting programs be made accessible.			

EAC Voting Fraud-Voter Intimidation Preliminary Research
Disability Access Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>Defendant's decision to suspend the use of DREs pending improvement in their reliability and security of the devices was a rational one, designed to protect the voting rights of the state's citizens. The evidence did not support the conclusion that the elimination of the DREs would have a discriminatory effect on the visually or manually impaired. Thus, the voters</p>			

EAC Voting Fraud-Voter Intimidation Preliminary Research
Disability Access Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					showed little likelihood of success on the merits. The individual's request for a temporary restraining order, or, in the alternative, a preliminary injunction, was denied.			
Am. Ass'n of People with Disabilities v. Hood	United States District Court for the Middle District of Florida	310 F. Supp. 2d 1226; 2004 U.S. Dist. LEXIS 5615	March 24, 2004	Plaintiffs, disabled voters, and a national organization, sued defendants, the Florida Secretary of State, the Director of the Division of Elections of the Florida	The voters were visually or manually impaired. The optical scan voting system purchased by the county at issue was not readily accessible to visually or manually impaired	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research
Disability Access Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>Department of State, and a county supervisor of elections, under Title II of the Americans With Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Summary judgment was granted for the Secretary and the Director as to visually impaired voters.</p>	<p>voters. The voters were unable to vote using the system without third--party assistance. If it was feasible for the county to purchase a readily accessible system, then the voters' rights under the ADA and the RA were violated. The court found that the manually impaired voter's rights were violated. To the extent "jelly switches" and "sip and puff" devices</p>			