

18. States should make it easier for college students to vote in the jurisdiction in which their school is located.
19. States should develop procedures to ensure that voting is facilitated, without compromising security or privacy, for all eligible voters living overseas.
20. States should make voter suppression a criminal offense at the state level, in all states.
21. States should improve the training of pollworkers.
22. States should expend significantly more resources in educating voters on where, when and how to vote.
23. Partisan officials who volunteer to work for a candidate should not oversee or administer any elections.

014773

Interview with John Ravitz, Executive Director, New York City Board of Elections
February 16, 2006

Process

If there is an allegation of fraud or intimidation, the commissioners can rule to act on it. For example, in 2004 there were allegations in Queens that people had registered to vote using the addresses of warehouses and stores. The Board sent out teams of investigators to look into this. The Board then developed a challenge list that was to be used at the polls if any of the suspect voters showed up to vote.

If the allegation rises to a criminal level, the Board will refer it to the county district attorney. If a poll worker or election official is involved, the Board may conduct an internal investigation. That individual would be interviewed, and if there is validity to the claim, the Board would take action.

Incidences of Fraud and Intimidation

Mr. Ravitz says there have been no complaints about voter intimidation since he has been at the Board. There have been instances of over-aggressive poll workers, but nothing threatening. Voter fraud has also generally not been a problem.

In 2004, the problem was monitors from the Department of Justice intimidating voters. They were not properly trained, and were doing things like going into the booth with voters. The Board had to contact their Department supervisors to put a stop to it.

Charges regarding "ballot security teams" have generally just been political posturing.

The problem of people entering false information on voter registration forms is a problem. However, sometimes a name people allege is false actually turns out to be the voter's real name. Moreover, these types of acts do not involve anyone actually casting a fraudulent ballot.

With respect to the issue of voters being registered in both New York and Florida, the Board now compares its list with that of Florida and other places to address the problem. This will be less of an issue with the use of statewide voter registration databases, as information becomes easier to share. Despite the number of people who were on the voter registration lists of both jurisdictions, there was no one from those lists who voted twice.

Most of the problems at the polls have to do with poll workers not doing what they are supposed to do, not any sort of malfeasance. This indicates that improved training is the most important measure we can take.

There have been instances in which poll workers ask voters for identification when they shouldn't. However, the poll workers seem to do it when they cannot understand the name when the voter tells it to them. The Board has tried to train them that no matter what, the poll worker cannot ask for identification in order to get the person's name.

Absentee ballot fraud has also not been a problem in New York City. This is likely because absentee ballots are counted last – eight days after election day. This is so that they can be checked thoroughly and verified. This is a practice other jurisdictions might consider.

New York City has not had a problem with ex-felons voting or with ex-felons not knowing their voting rights. The City has not had any problems in recent years with deceptive practices, such as flyers providing misinformation about voting procedures.

Recommendations

- Better poll worker training
- Thorough inspection of absentee ballots subsequent to the election

**Interview with Joe Rich, former Chief of the Voting Section,
US Department of Justice
February 7, 2006**

Background

Mr. Rich went to Yale undergraduate and received his law degree from the University of Michigan. He served as Chief of the Voting Section from 1999-2005. Prior to that he served in other leadership roles in the Civil Rights Division and litigated several civil rights cases.

Data Collection and Monitoring

The section developed a new database before the 2004 election to log complaint calls and what was done to follow up on them. They opened many investigations as a result of these complaints, including one on the long lines in Ohio (see DOJ letter on website, as well as critical commentary on the DOJ letter's analysis). DOJ found no Section 2 violation in Ohio. John Tanner should be able to give us this data. However, the database does not include complaints that were received by monitors and observers in the field.

All attorney observers in the field are required to submit reports after Election Day to the Department. These reports would give us a very good sense of the scope and type of problems that arose on that day and whether they were resolved on the spot or required further action.

The monitoring in 2004 was the biggest operation ever. Prior to 2000, only certain jurisdictions could be observed – a VRA covered jurisdiction that was certified or a jurisdiction that had been certified by a court, e.g. through a consent decree. Since that time, and especially in 2004, the Department has engaged in more informal “monitoring.” In those cases, monitors assigned to certain jurisdictions, as opposed to observers, can only watch in the polling place with permission from the jurisdiction. The Department picked locations based on whether they had been monitored in the past, there had been problems before, or there had been allegations in the past. Many problems that arose were resolved by monitors on the spot.

Processes for Cases not Resolved at the Polling Site

If the monitor or observer believes that a criminal act has taken place, he refers it to the Public Integrity Section (PIN). If it is an instance of racial intimidation, it is referred to the Civil Rights Criminal Division. However, very few such cases are prosecuted because they are very hard to prove. The statutes covering such crimes require actual violence or the threat of violence in order to make a case. As a result, most matters are referred to PIN because they operate under statutes that make these cases easier to prove. In general, there are not a high number of prosecutions for intimidation and suppression.

If the act is not criminal, it may be brought as a civil matter, but only if it violated the Voting Rights Act – in other words, only if there is a racial aspect to the case. Otherwise the only recourse is to refer it to PIN.

However, PIN tends not to focus on intimidation and suppression cases, but rather cases such as alleged noncitizen voting, etc. Public Integrity used to only go after systematic efforts to corrupt the system. Now they focus on scattered individuals, which is a questionable resource choice. Criminal prosecutors over the past 5 years have been given more resources and more leeway because of a shift in focus and policy toward noncitizens and double voting, etc.

There have been very few cases brought involving African American voters. There have been 7 Section 2 cases brought since 2001 – only one was brought on behalf of African American voters. That case was initiated under the Clinton administration. The others have included Latinos and discrimination against whites.

Types of Fraud and Intimidation Occurring

There is no evidence that polling place fraud is a problem. There is also no evidence that the NVRA has increased the opportunity for fraud. Moreover, regardless of NVRA's provisions, an election official can always look into a voter's registration if he or she believes that person should no longer be on the list. The Department is now suing Missouri because of its poor registration list.

The biggest problem is with absentee ballots. The photo ID movement is a vote suppression strategy. This type of suppression is a bigger problem than intimidation. There has been an increase in vote suppression over the last five years, but it has been indirect, often in the way that laws are interpreted and implemented. Unequal implementation of ID requirements at the polls based on race would be a VRA violation.

The most common type of intimidation occurring is open hostility by poll workers toward minorities. It is a judgment call whether this is a crime or not – Craig Donsanto of PIN decides if it rises to a criminal matter.

Election Day challenges at the polls could be a VRA violation but such a case has never been formally pursued. Such cases are often resolved on the spot. Development of a pre-election challenge list targeted at minorities would be a VRA violation but this also has never been pursued. These are choices of current enforcement policy.

Long lines due to unequal distribution of voting machines based on race, list purges based on race and refusal to offer a provisional ballot on the basis of race would also be VRA violations.

Recommendations

Congress should pass a new law that allows the Department to bring civil actions for suppression that is NOT race based, for example, deceptive practices or wholesale challenges to voters in jurisdictions that tend to vote heavily for one party.

Given the additional resources and latitude given to the enforcement of acts such as double voting and noncitizen voting, there should be an equal commitment to enforcement of acts of intimidation and suppression cases.

There should also be increased resources dedicated to expanded monitoring efforts. This might be the best use of resources since monitors and observers act as a deterrent to fraud and intimidation.

Interview with Kevin Kennedy, State Elections Director, State of Wisconsin

April 11, 2006

Background

Kennedy is a nonpartisan, appointed official. He has been in this position since 1983.

Complaints of fraud and intimidation do not usually come to Kennedy's office. Kennedy says that complainants usually take their allegations to the media first because they are trying to make a political point.

2004 Election Incidents of Fraud

The investigations into the 2004 election uncovered some cases of double voting and voting by felons who did not know they were not eligible to vote, but found no concerted effort to commit fraud. There have been a couple of guilty pleas as a result, although not a number in the double digits. The task force and news reports initially referred to 100 cases of double voting and 200 cases of felon voting, but there were not nearly that many prosecutions. Further investigation since the task force investigation uncovered that in some instances there were mis-marks by poll workers, fathers and sons mistaken for the same voter, and even a husband and wife marked as the same voter. The double votes that are believed to have occurred were a mixture of absentee and polling place votes. It is unclear how many of these cases were instances of voting in two different locations.

In discussing the case from 2000 in which a student claimed – falsely – that he had voted several times, Kennedy said that double voting can be done. The deterrent is that it's a felony, and that one person voting twice is not an effective way to influence an election. One would need to get a lot of people involved for it to work.

The task force set up to investigate the 2004 election found a small number of illegal votes but given the 7,000 alleged, it was a relatively small number. There was no pattern of fraud.

The one case Kennedy could recall of an organized effort to commit fraud was in the spring of 2003 or 2004. A community service agency had voters request that absentee ballots be sent to the agency instead of to the voters and some of those ballots were signed without the voters' knowledge. One person was convicted, the leader of the enterprise.

In Milwaukee, the main contention was that there were more ballots than voters. However, it was found that the 7,000 vote disparity was tied to poll worker error. The task force found that there was no concerted effort involved. Kennedy explained that there are many ways a ballot can get into a machine without a voter getting a number. These include a poll worker forgetting to give the voter one; someone does Election Day registration and fills out a registration form but does not get a number because the

transaction all takes place at one table; and in Milwaukee, 20,000 voters who registered were not put on the list in time and as a short term solution the department sent the original registration forms to the polling places to be used instead of the list to provide proof of registration. This added another element of confusion that might have led to someone not getting a voter number.

The Republican Party used this original list and contracted with a private vendor to do a comparison with the U.S. postal list. They found initially that there were 5,000 bad addresses, and then later said there were 35,000 illegitimate addresses. When the party filed a complaint, the department told them they could force the voters on their list to cast a challenge ballot. On Election Day, the party used the list but found no actually voting from those addresses. Kennedy suspects that the private vendor made significant errors when doing the comparison.

In terms of noncitizen voting, Kennedy said that there is a Russian community in Milwaukee that the Republican Party singles out every year but it doesn't go very far. Kennedy has not seen much in the way of allegations of noncitizen voting.

However, when applying for a drivers license, a noncitizen could register to vote. There is no process for checking citizenship at this point, and the statewide registration database will not address this. Kennedy is not aware of any cases of noncitizen voting as a result, but it might have happened.

Kennedy said that the biggest concern seemed to be suspicions raised when groups of people are brought into the polling site from group homes, usually homes for the disabled. There are allegations that these voters are being told how to vote.

Incidents of Voter Intimidation

In 2004, there was a lot of hype about challenges, but in Wisconsin, a challenger must articulate a basis under oath. This acts as a deterrent, but at the same time it creates the potential that someone might challenge everyone and create long lines, keeping people from voting. In 2004, the Republican Party could use its list of suspect addresses as a legitimate basis for challenges, so there is the potential for abuse. It is also hard to train poll workers on that process. In 2004, there were isolated cases of problems with challengers.

In 2002, a flyer was circulated only in Milwaukee claiming that you had vote by noon. This was taken as an intimidation tactic by the Democrats.

Reforms

Wisconsin has had difficulty with its database because 1) they have had a hard time getting a good product out of the vendor and 2) until now there was no registration record for one-quarter of the voters. Any jurisdiction with fewer than 5000 voters was not required to have a registration list.

In any case, once these performance issues are worked out, Kennedy does believe the statewide voter registration database will be very valuable. In particular, it will mean that people who move will not be on more than one list anymore. It should also address the double voting issue by identifying who is doing it, catching people who do it, and identifying where it could occur.

Recommendations

Better trained poll workers

Ensure good security procedures for the tabulation process and more transparency in the vote counting process

Conduct post-election audits

Interview with Lori Minnite, Barnard College

February 22, 2006

Background

Ms. Minnite is an assistant professor of political science at Barnard College. She has done substantial research on voter fraud and wrote the report "Securing the Vote." Ms. Minnite also did work related to an election lawsuit. The main question that she was asked to address in the lawsuit was---did election-day registration increase the possibility of fraud?

Securing the Vote

In Securing the Vote, Ms. Minnite found very little evidence of voter fraud because the historical conditions giving rise to fraud have weakened over the past twenty years. She stated that for fraud to take root a conspiracy was needed with a strong local political party and a complicit voter administration system. Since parties have weakened and there has been much improvement in the administration of elections and voting technology, the conditions no longer exist for large scale incidents of polling place fraud.

Ms. Minnite concentrates on fraud committed by voters not fraud committed by voting officials. She has looked at this issue on the national level and also concentrated on analyzing certain specific states. Ms. Minnite stressed that it is important to keep clear who the perpetrators of the fraud are and where the fraud occurs because that effects what the remedy should be. Often, voters are punished for fraud committed by voting officials.

Other Fraud Issues

Ms. Minnite found no evidence that NVRA was leading to more voter fraud. She supports non-partisan election administration. Ms. Minnite has found evidence that there is absentee ballot fraud. She can't establish that there is a certain amount of absentee ballot fraud or that it is the major kind of voter fraud.

Recommendations

Assure there are accurate voter records and centralize voter databases

Reduce partisanship in electoral administration.

Interview with John Tanner, Director, Civil Rights Division, U.S. Department of Justice

February 24, 2006

Note: Mr. Tanner's reluctance to share data, information and his perspective on solving the problems presented an obstacle to conducting the type of interview that would help inform this project as much as we would have hoped. Mr. Tanner would not give us any information about or data from the section's election complaint in-take phone logs; data or even general information from the Interactive Case Management (ICM) system-its formal process for tracking and managing work activities in pursuing complaints and potential violations of the voting laws; and would give us only a selected few samples of attorney-observer reports, reports that every Voting Section attorney who is observing elections at poll sites on Election Day is required to submit. He would not discuss in any manner any current investigations or cases the section is involved in. He also did not believe it was his position to offer us recommendations as to how his office, elections, or the voting process might be improved.

Authority and Process

The Voting Section, in contrast to the Public Integrity section as Craig Donsanto described it, typically looks only at systemic problems, not problems caused by individuals. Indeed, the section never goes after individuals because it does not have the statutory authority to do so. In situations in which individuals are causing problems at the polls and interfering with voting rights, the section calls the local election officials to resolve it.

Federal voting laws only apply to state action, so the section only sues local governments – it does not have any enforcement power over individuals. Most often, the section enters into consent agreements with governments that focus on poll worker training, takes steps to restructure how polls are run, and deals with problems on Election Day on the spot. Doing it this way has been most effective – for example, while the section used to have the most observers in the South, systematic changes forced upon those jurisdictions have made it so now the section does not get complaints from the South.

The section can get involved even where there is no federal candidate on the ballot if there is a racial issue under the 14th and 15th Amendments.

When the section receives a complaint, attorneys first determine whether it is a matter of individuals or systemic. When deciding what to do with the complaint, the section errs on the side of referring it criminally because they do not want civil litigation to complicate a possible criminal case.

When a complaint comes in, the attorneys ask questions to see if there are even problems there that the complainant is not aware are violations of the law. For example, in the Boston case, the attorney did not just look at Spanish language cases under section 203, but also brought a Section 2 case for violations regarding Chinese and Vietnamese voters.

When looking into a case, the attorneys look for specificity, witnesses and supporting evidence.

Often, lawsuits bring voluntary compliance.

Voter Intimidation

Many instances of what some people refer to as voter intimidation are more unclear now. For example, photographing voters at the polls has been called intimidating, but now everyone is at the polls with a camera. It is hard to know when something is intimidation and it is difficult to show that it was an act of intimidation.

The fact that both parties are engaging in these tactics now makes it more complicated. It makes it difficult to point the finger at any one side.

The inappropriate use of challengers on the basis of race would be a violation of the law. Mr. Tanner was unaware that such allegations were made in Ohio in 2004. He said there had never been an investigation into the abusive use of challengers.

Mr. Tanner said a lot of the challenges are legitimate because you have a lot of voter registration fraud as a result of groups paying people to register voters by the form. They turn in bogus registration forms. Then the parties examine the registration forms and challenge them because 200 of them, for example, have addresses of a vacant lot.

However, Mr. Tanner said the Department was able to informally intervene in challenger situations in Florida, Atkinson County, Georgia and in Alabama, as was referenced in a February 23 Op-Ed in USA Today. Mr. Tanner reiterated the section takes racial targeting very seriously.

Refusal to provide provisional ballots would be a violation of the law that the section would investigate.

Deceptive practices are committed by individuals and would be a matter for the Public Integrity Section. Local government would have to be involved for the voting section to become involved.

Unequal implementation of ID rules, or asking minority voters only for ID would be something the section would go after. Mr. Tanner was unaware of allegations of this in 2004. He said this is usually a problem where you have language minorities and the poll workers cannot understand the voters when they say their names. The section has never formally investigated or solely focused a case based on abuse of ID provisions. However, implementation of ID rules was part of the Section 2 case in San Diego. Mr. Tanner reiterated that the section is doing more than ever before.

When asked about the section's references to incidents of vote fraud in the documents related to the new state photo identification requirements, Mr. Tanner said the section only looks at retrogression, not at the wisdom of what a legislature does. In Georgia, for

example, everyone statistically has identification, and more blacks have ID than whites. With respect to the letter to Senator Kit Bond regarding voter ID, the section did refer to the perception of concern about dead voters because of reporting by the Atlanta Journal-Constitution. It is understandable that when you have thousands of bogus registrations that there would be concerns about polling place fraud. Very close elections make this even more of an understandable concern. Putting control of registration lists in the hands of the states will be helpful because at this higher level of government you find a higher level of professionalism.

It is hard to know how much vote suppression and intimidation is taking place because it depends on one's definition of the terms – they are used very loosely by some people. However, the enforcement of federal law over the years has made an astounding difference so that the level of discrimination has plummeted. Registration of minorities has soared, as can be seen on the section's website. Mr. Tanner was unsure if the same was true with respect to turnout, but the gap is less. That information is not on the section's website.

The section is not filing as many Section 2 cases as compared to Section 203 cases because many of the jurisdictions sued under Section 2 in the past do not have issues anymore. Mr. Tanner said that race based problems are rare now.

NVRA has been effective in opening up the registration process. In terms of enforcement, Mr. Tanner said they do what they can when they have credible allegations. There is a big gap between complaints and what can be substantiated. Mr. Tanner stated that given the high quality of the attorneys now in the section, if they do not investigate it or bring action, that act complained of did not happen.

Recommendations

Mr. Tanner did not feel it was appropriate to make recommendations.

Interview with Pat Rogers, private attorney

March 3, 2006

Background

In addition to his legal practice with *Modrall, Sperling, Roehl, Harris & Sisk*, Rogers also does some state-level lobbying for Verizon Wireless, GM, Dumont and other companies. His experience in election law goes back to 1988, where his first elections case was a defense against Bill Richardson, who had sued to get another candidate tossed off a ballot because of petition fraud. Since 1988, he has been involved in election cases at least once every two years.

2004 Litigation

In a case that ended before the New Mexico Supreme Court, Rogers represented the Green Party and other plaintiffs against the New Mexico Secretary of State for sending a directive telling local boards not to require ID for first time voters registering by mail. He argued that this watered-down ID check conflicted with what seemed fairly clear statutory requirements for first time voters. In 2004 these requirements were especially important due to the large presence of 3rd party organizations registering voters such as a 527 funded by Governor Richardson, ACORN, and others.

Plaintiffs were seeking a temporary restraining order requiring Secretary of State to follow the law. Yet the Supreme Court ultimately decided that, whether the directive was right or wrong, it was too late to require ID lest Bush v. Gore issues be raised.

Today, the issue is moot as the state legislature has changed the law, and the Secretary of State will no longer be in office. It seems unlikely they will send any policy directives to county clerks lest they violate due process/public notice.

Major issues in NM w/ regard to vote fraud

Registration fraud seems to be the major issue, and while the legislature has taken some steps, Rogers is skeptical of the effect they will have, considering the history of unequal application of election laws. He also believes there are holes in the 3rd party registration requirement deadlines.

Rogers views a national law requiring ID as the best solution to registration problems. Rather than imposing a burden he contends it will enhance public confidence in the simplest way possible.

Registration Fraud in 2004 election

It came to light that ACORN had registered a 13 year old. The father was an APD officer and received the confirmation, but it was sent to the next door address, a vacant house.

They traced this to an ACORN employee and it was established that this employee had been registering others under 18.

Two weeks later, in a crack cocaine bust of Cuban nationals, one of those raided said his job was registering voters for ACORN, and the police found signatures in his possession for fictitious persons.

In a suspicious break-in at an entity that advertised itself as nonpartisan, only GOP registrations were stolen.

In another instance, a college student was allegedly fired for registering too many Republicans.

Rogers said he believed these workers were paid by the registration rather than hourly.

There have been no prosecution or convictions related to these incidents. In fact, there have been no prosecutions for election fraud in New Mexico in recent history. However, Rogers is skeptical that much action can be expected considering the positions of Attorney General, Governor, and Secretary of State are all held by Democrats. Nor has there been any interest from the U.S. attorney—Rogers heard that U.S. attorneys were given instruction to hold off until after the election in 2004 because it would seem too political.

As part of the case against the Secretary of State regarding the identification requirement, the parties also sued ACORN. At a hearing, the head of ACORN, and others aligned with the Democratic Party called as witnesses, took the 5th on the stand as to their registration practices.

Other incidents

Very recently, there have been reports of vote buying in the town of Espanola. Originally reported by the *Rio Grande Sun*, a resident of a low-income housing project is quoted as saying it has been going on for 10-12 years. The Albuquerque Journal is now reporting this as well. So far the investigation has been extremely limited.

In 1996, there were some prosecutions in Espanola, where a state district judge found registration fraud.

In 1991, the chair of Democratic Party of Bertolino County was convicted on fraud. Yet she was pardoned by Clinton on same day as Marc Rich.

Intimidation/Suppression

Rogers believes the most notable example of intimidation in the 2004 election was the discovery of a DNC Handbook from Colorado advising Democratic operatives to widely report intimidation regardless of confirmation in order to gain media attention.

In-person polling place fraud

There have only been isolated instances of people reporting that someone had voted in their name, and Rogers doesn't believe there is any large scale conspiracy. Yet he contends that perspective misses the larger point of voter confidence. Although there has been a large public outcry for voter ID in New Mexico, it has been deflected and avoided by Democrats.

In 2004, there were more Democratic lawyers at the polls than there are lawyers in New Mexico. Rogers believes these lawyers had a positive impact because they deterred people from committing bad acts.

Counting Procedures

The Secretary of State has also taken the position that canvassing of the vote should be done in private. In NM, they have a 'county canvas' where they review and certify, after which all materials—machine tapes, etc.—are centralized with the Secretary of State who does a final canvass for final certification. Conducting this in private is a serious issue, especially considering the margin in the 2000 presidential vote in New Mexico was only 366 votes. They wouldn't be changing machine numbers, but paper numbers are vulnerable.

On a related note, NM has adopted state procedures that will ensure their reports are slower and very late, considering the 2000 late discovery of ballots. In a close race, potential for fraud and mischief goes up astronomically in the period between poll closing and reporting. Rogers believes these changes are going to cause national embarrassment in the future.

Rogers attributes other harmful effects to what he terms the Secretary of State's incompetence and inability to discern a nonpartisan application of the law. In the 2004 election, no standards were issued for counting provisional ballots. Furthermore, the Secretary of State spent over \$1 million of HAVA money for 'voter education' in blatant self-promotional ads.

Recommendations

Rogers believes it would be unfeasible to have nonpartisan election administration and favors transparency instead. To make sure people have confidence in the election, there must be transparency in the whole process. Then you don't have the 1960 vote coming down to Illinois, or the Espanola ballot or Dona Anna County (ballots found there in the 2000 election). HAVA funds should also be restricted when you have an incompetent, partisan Secretary of State.

There should be national standards for reporting voting results so there is less opportunity for fraud in a close race. Although he is not generally an advocate of national laws, he

does agree there should be more national uniformity into how votes are counted and recorded.

Interview with Rebecca Vigil-Giron, Secretary of State, New Mexico

March 24, 2006

Background

Vigil-Giron has been Secretary of State for twelve years and was the President of the National Association of Secretaries of State in 2004. Complaints of election fraud and intimidation are filed with the SOS office. She then decides whether to refer it to the local district attorney or the attorney general. Because the complaints are few and far between, the office does not keep a log of complaints; however, they do have all of the written complaints on file in the office.

Incidents of Fraud and Intimidation

During the 2004 election, there were a couple of complaints of polling place observers telling people outside the polling place who had just voted, and then the people outside were following the voters to their cars and videotaping them. This happened in areas that are mostly second and third generation Latinos. The Secretary sent out the sheriff in one instance of this. The perpetrators moved to a different polling place. This was the only incident of fraud or intimidation Vigil-Giron was aware of in New Mexico.

There have not been many problems on Native reservations because, unlike in many other states, in New Mexico the polling place is on the reservation and is run by local Native Americans. Vigil-Giron said that it does not make sense to have non-Natives running those polls because it is necessary to have people there who can translate. Because most of the languages are unwritten, the HAVA requirement of accessibility through an audio device will be very helpful in this regard. Vigil-Giron said she was surprised to learn while testifying at the Voting Rights Act commission hearings of the lack of sensitivity to these issues and the common failure to provide assistance in language minority areas.

In 2004 the U.S. Attorney, a Republican, suddenly announced he was launching an investigation into voter fraud without consulting the Secretary of State's office. After all of that, there was maybe one prosecution. Even the allegations involving third party groups and voter registration are often misleading. People doing voter registration drives encourage voters to register if they are unsure if they are already registered, and the voter does not even realize that his or her name will then appear on the voter list twice. The bigger problem is where registrations do not get forwarded to election administrators and the voter does not end up on the voting list on Election Day. This is voter intimidation in itself, Vigil-Giron believes. It is very discouraging for that voter and she wonders whether he or she will try again.

Under the bill passed in 2004, third parties are required to turn around voter registration forms very quickly between the time they get them and when they must be returned. If

they fail to return them within 48 hours of getting them, they are penalized. This, Vigil-Giron believes, is unfair. She has tried to get the Legislature to look at this issue again. Regarding allegations of vote buying in Espanola, Vigil-Giron said that the Attorney General is investigating. The problem in that area of New Mexico is that they are still using rural routes, so they have not been able to properly district. There has, as a result, been manipulation of where people vote. Now they seem to have pushed the envelope too far on this. The investigation is not just about vote buying, however. There have also been allegations of voters being denied translators as well as assistance at the polls.

Vigil-Giron believes there was voter suppression in Ohio in 2004. County officials knew thirty days out how many people had registered to vote, they knew how many voters there would be. Administrators are supposed to use a formula for allocation of voting machines based on registered voters. Administrators in Ohio ignored this. As a result, people were turned away at the polls or left because of the huge lines. This, she believes, was a case of intentional vote suppression.

A few years ago, Vigil-Giron heard that there may have been people voting in New Mexico and a bordering town in Colorado. She exchanged information with Colorado administrators and it turned out that there were no cases of double voting.

Recommendations

Vigil-Giron believes that linking voter registration databases across states may be a way to see if people who are registered twice are in fact voting twice.

The key to improving the process is better trained poll workers, who are certified, and know what to look for on Election Day. These poll workers should then work with law enforcement to ensure there are no transgressions.

There should be stronger teeth in the voter fraud laws. For example, it should be more than a fourth degree felony, as is currently the case.

Interview with Nina Perales, Counsel, Mexican American Legal Defense and Education Fund

March 7, 2006

Background

Ms. Perales is an attorney with the Mexican American Legal Defense Fund (MALDEF). MALDEF's mission is to foster sound public policies, laws and programs to safeguard the civil rights of the 40 million Latinos living in the United States and to empower the Latino community to fully participate in our society. One of the areas MALDEF works in is electoral issues, predominately centered on the Voting Rights Act. Ms. Perales did not seem to have a sense of the overall electoral issues in her working region (the southwest) effecting Hispanic voters and did not seem to want to offer her individual experiences and work activities as necessarily a perfect reflection of the challenges Hispanic voters face.

Largest Election Problems Since 2000

Santa Anna County, New Mexico-2004-intimidated voters by video taping them.

San Antonio-One African American voter subjected to a racial slur.

San Antonio-Relocated polling places at the last minute without Section 5 pre-clearance.

San Antonio-Closed polls while voters were still in line.

San Antonio-2003-only left open early voting polls in predominantly white districts.

San Antonio-2005-racially contested mayoral run-off election switched from touch screen voting to paper ballots.

Voter Fraud and Intimidation

In Texas, the counties are refusing to open their records with respect to Section 203 compliance (bilingual voting assistance), and those that did respond to MALDEF's request submitted incomplete information. Ms. Perales believes this in itself is a form of voter intimidation.

Ms. Perales said it is hard to say if the obstacles minorities confront in voting are a result of intentional acts or not because the county commission is totally incompetent. There have continuously been problems with too few ballots, causing long lines, especially in places that had historically lower turnout. There is no formula in Texas for allocating ballots – each county makes these determinations.

When there is not enough language assistance at the polls, forcing a non-English speaker to rely on a family member to vote, that can suppress voter turnout.

Ms. Perales is not aware of deceptive practices or dirty tricks targeted at the Latino community.

There have been no allegations of illegal noncitizen voting in Texas. Indeed, the sponsor of a bill that would require proof of citizenship to vote could not provide any documentation of noncitizen voting in support of the bill. The bill was defeated in part because of the racist comments of the sponsor. In Arizona, such a measure was passed. Ms. Perales was only aware of one case of noncitizen voting in Arizona, involving a man of limited mental capacity who said he was told he was allowed to register and vote. Ms. Perales believes proof of citizenship requirements discriminate against Latinos.

Recommendations

Ms. Perales feels the laws are adequate, but that her organization does not have enough staff to do the monitoring necessary. This could be done by the federal government. However, even though the Department of Justice is focusing on Section 203 cases now, they have not even begun to scratch the surface. Moreover, the choices DOJ has made with respect to where they have brought claims do not seem to be based on any systematic analysis of where the biggest problems are. This may be because the administration is so ideological and partisan.

Ms. Perales does not believe making election administration nonpartisan would have a big impact. In Texas, administrators are appointed in a nonpartisan manner, but they still do not always have a nonpartisan approach. Each administrator tends to promote his or her personal view regardless of party.

Interview with Steve Ansolobhere and Chandler Davidson
February 17, 2006

Methodology suggestions

In analyzing instances of alleged fraud and intimidation, we should look to criminology as a model. In criminology, experts use two sources: the Uniform Crime Reports, which are all reports made to the police, and the Victimization Survey, which asks the general public whether a particular incident has happened to them. After surveying what the most common allegations are, we should conduct a survey of the general public that asks whether they have committed certain acts or been subjected to any incidents of fraud or intimidation. This would require using a very large sample, and we would need to employ the services of an expert in survey data collection. Mr. Ansolobhere recommended Jonathan Krosnick, Doug Rivers, and Paul Sniderman at Stanford; Donald Kinder and Arthur Lupia at Michigan; Edward Carmines at Indiana; and Phil Tetlock at Berkeley. In the alternative, Mr. Ansolobhere suggested that the EAC might work with the Census Bureau to have them ask different, additional questions in their Voter Population Surveys.

Mr. Chandler further suggested it is important to talk to private election lawyers, such as Randall Wood, who represented Ciro Rodriguez in his congressional election in Texas. Mr. Ansolobhere also recommended looking at experiments conducted by the British Election Commission.

Incidents of Fraud and Intimidation

Mr. Davidson's study for the Lawyers Committee for Civil Rights on the Voting Rights Act documented evidence of widespread difficulty in the voting process. However, he did not attempt to quantify whether this was due to intentional, malevolent acts. In his 2005 report on ballot security programs, he found that there were many allegations of fraud made, but not very many prosecutions or convictions. He saw many cases that did go to trial and the prosecutors lost on the merits.

In terms of voter intimidation and vote suppression, Mr. Davidson said he believes the following types of activities do occur: videotaping of voters' license plates; poll workers asking intimidating questions; groups of officious-looking poll watchers at the poll sites who seem to be some sort of authority looking for wrongdoing; spreading of false information, such as phone calls, flyers, and radio ads that intentionally mislead as to voting procedures.

Mr. Ansolobhere believes the biggest problem is absentee ballot fraud. However, many of these cases involve people who do not realize what they are doing is illegal, for example, telling someone else how to vote. Sometimes there is real illegality occurring however. For example, vote selling involving absentee ballots, the filling out of absentee ballots en masse, people at nursing homes filling out the ballots of residents, and there are stories about union leaders getting members to vote a certain way by absentee ballot. This

problem will only get bigger as more states liberalize their absentee ballot rules. Mr. Chandler agreed that absentee ballot fraud was a major problem.

Recommendations

Go back to “for cause” absentee ballot rules, because it is truly impossible to ever ensure the security of a mail ballot. Even in Oregon, there was a study showing fraud in their vote by mail system.

False information campaigns should be combated with greater voter education. Los Angeles County’s voter education program should be used as a model.

Interview with Tracy Campbell, author

March 3, 2006

Background

Campbell's first book on election fraud looked at Ed Pritchard, a New Deal figure who went to jail for stuffing ballot boxes. While his initial goal in writing that book was to find out why Pritchard had engaged in vote stealing, his growing understanding of a pervasive culture of electoral corruption led him to consider instead how it was that Pritchard was ever caught. In 1998, he started working on a book regarding fraud in Kentucky, which quickly became a national study. He hoped to convey the 'real politics' which he feels readers, not to mention academics, have little sense about. While less blatant than in previous eras, fraud certainly still occurs, and he mentions some examples in his book. The major trend of the past 60-70 years has been that these tactics have grown more subtle.

While he hasn't conducted any scientific study of the current state of fraud, his sense as a historian is that it seems naive, after generations of watching the same patterns and practices influence elections, to view suspect election results today as merely attributable to simple error.

Vote-buying and absentee fraud

Campbell sees fraud by absentee ballot and vote buying as the greatest threats to fair elections today. He says vote fraud is like real estate: location, location, location—the closer you can keep the ballots to the courthouse the better. Absentee ballots create a much easier target for vote brokers who can manage voting away from the polling place, or even mark a ballot directly, in exchange for, say, \$50—or even more if an individual can bring their entire family. He has noted some small counties where absentee ballots outnumber in-person ballots.

However, few people engaged in this activity would call it 'purchasing' a vote. Instead, it is candidate Jones' way of 'thanking' you for a vote you would have cast in any event. The issue is what happens if candidate Smith offers you more. Likewise, the politicians who engage in vote fraud don't see it as a threat to the republic but rather as a game they have to play in order to get elected.

Regional patterns

Campbell suggests such practices are more prevalent in the South than the Northern states, and even more so compared to the West. The South has long been characterized as particularly dangerous in intimidation and suppression practices—throughout history, one can find routine stories of deaths at the polls each year. While he maintains that fraud seems less likely in the Western states, he sees the explosion of mail in and absentee ballots there as asking for trouble.

Poll site closings as a means to suppress votes

Campbell points to a long historical record of moving poll sites in order to suppress votes. Polling places in the 1800s were frequently set-up on rail cars and moved further down the line to suppress black votes.

He would include door-to-door canvassing practices here, as well as voting in homes, which was in use in Kentucky until only a few years ago. All of these practices have been justified as making polling places 'more accessible' while their real purpose has been to suppress votes.

Purge lists

Purge lists are, of course, needed in theory, yet Campbell believes the authority to mark names off the voter rolls presents extensive opportunity for abuse. For this reason, purging must be done in a manner that uses the best databases, and looks at only the most relevant information. When voters discover their names aren't on the list when they go to vote, for example, because they are "dead," it has a considerable demoralizing effect. Wrongful purging takes place both because of incompetence and as a tool to intentionally disenfranchise.

Campbell believes transparency is the real issue here. An hour after the polls close, we tend to just throw up our hands and look the other way, denying voters the chance to see that discrepancies are being rectified. He believes the cost in not immediately knowing election outcomes is a small price to pay for getting results right and showing the public a transparent process.

Deceptive practices

Today's deceptive practices have are solidly rooted in Reconstruction-era practices—i.e. phony ballots, the Texas 'elimination' ballot. The ability to confuse voters is a powerful tool for those looking to sway elections.

Language minorities

Campbell argues there is a fine line between offering help to non-English speakers and using that help against them. A related issue, particularly in the South, is taking advantage of the illiterate.

Current intimidation

Another tactic Campbell considers an issue today is polling place layout: the further vote suppressers can keep people away from the polls, the better. Practices such as photographing people leaving a polling place may also tie into vote-buying, where photos are used to intimidate and validate purchased votes. A good way to combat such practices is by keeping electioneering as far from the polls as possible.

Recommendations

Specific voting administration recommendations Campbell advocates would include reducing the use of absentee ballots and improving the protective zone around polling places.

Campbell would also like to see enforcement against fraud stepped up and stiffer penalties enacted, as current penalties make the risk of committing fraud relatively low. He compares the risk in election fraud similar to steroid use in professional sports—the potential value of the outcome is far higher than the risk of being caught or penalized for the infraction, so it is hard to prevent people from doing it. People need to believe they will pay a price for engaging in fraud or intimidation. Moreover, we need to have the will to kick people out of office if necessary.

He is skeptical of the feasibility of nonpartisan election administration, as he believes it would be difficult to find people who care about politics yet won't lean one way or the other—such an attempt would be unlikely to get very far before accusations of partisanship emerged. He considers the judiciary the only legitimate check on election fraud.

Interview with Sarah Bell Johnson Interview

April 19, 2006

Procedures for Handling Fraud

Fraud complaints are directed first to the state Board of Elections. Unlike boards in other states, Kentucky's has no investigative powers. Instead, they work closely with both the Attorney General and the U.S. Attorney. Especially since the current administration took office, they have found the U.S. Attorney an excellent partner in pursuing fraud cases, and have seen many prosecutions in the last six years. She believes that there has been no increase in the incidence of fraud, but rather the increase in prosecutions is related to increased scrutiny and more resources.

Major Types of Fraud and Intimidation

Johnson says that vote buying and voter intimidation go hand in hand in Kentucky. While historically fraud activity focused on election day, in the last 20 years it has moved into absentee voting. In part, this is because new voting machines aren't easy to manipulate in the way that paper ballots were open to manipulation in the past, especially in distant rural counties. For this reason, she is troubled by the proliferation of states with early voting, but notes that there is a difference between absentee ballot and early voting on machines, which is far more difficult to manipulate.

Among the cases of absentee ballot fraud they have seen, common practice involves a group of candidates conspiring together to elect their specific slate. Nursing homes are an especially frequent target. Elderly residents request absentee ballots, and then workers show up and 'help' them vote their ballots. Though there have been some cases in the Eastern district of election day fraud, most have been absentee.

Johnson argues that it is hard to distinguish between intimidation and vote buying. They have also seen instances where civic groups and church groups intimidate members to vote in a specific manner, not for reward, but under threat of being ostracized or even telling them they will go to hell.

While she is aware of allegations of intimidation by the parties regarding minority precincts in Louisville, the board hasn't received calls about it and there haven't been any prosecutions.

Challengers

Challengers are permitted at the polls in Kentucky. Each party is allowed two per location, and they must file proper paperwork. There is a set list of defined reasons for which they can challenge a voter, such as residency, and the challengers must also fill out paperwork to conduct a challenge.

As for allegations of challengers engaging in intimidation in minority districts, Johnson notes that challengers did indeed register in Jefferson County, and filed the proper paperwork, although they ultimately did not show up on election day.

She finds that relatively few challengers end up being officially registered, and that the practice has grown less common in recent years. This is due more to a change of fashion than anything. And after all, those wishing to affect election outcomes have little need for challengers in the precinct when they can target absentee voting instead.

In the event that intimidation is taking place, Kentucky has provisions to remove disruptive challengers, but this hasn't been used to her knowledge.

Prosecutions

Election fraud prosecutions in Kentucky have only involved vote buying. This may be because that it is easier to investigate, by virtue of a cash and paper trail which investigators can follow. It is difficult to quantify any average numbers about the practice from this, due in part to the five year statute of limitations on vote buying charges. However, she does not believe that vote-buying is pervasive across the state, but rather confined to certain pockets.

Vote-hauling Legislation

Vote hauling is a common form of vote buying by another name. Individuals are legally paid to drive others to the polls, and then divide that cash in order to purchase votes. Prosecutions have confirmed that vote hauling is used for this purpose. While the Secretary of State has been committed to legislation which would ban the practice, it has failed to pass in the past two sessions.

Paying Voter Registration Workers Legislation

A law forbidding people to pay workers by the voter registration card or for obtaining cards with registrations for a specific party was passed this session. Individuals working as part of a registration campaign may still be paid by hour. Kentucky's experience in the last presidential election illustrates the problems arising from paying individuals by the card. That contest included a constitutional amendment to ban gay marriage on the ballot, which naturally attracted the attention of many national groups. One group paying people by the card resulted in the registrar being inundated with cards, including many duplicates in the same bundle, variants on names, and variants on addresses. As this practice threatens to overwhelm the voter registration process, Kentucky views it as constituting malicious fraud.

Deceptive practices

Other than general reports in the news, Johnson hasn't received any separate confirmation or reports of deceptive practices, i.e., false and misleading information being distributed to confuse voters.

Effect of Kentucky's Database

Johnson believes Kentucky's widely praised voter registration database is a key reason why the state doesn't have as much fraud as it might, especially the types alleged elsewhere like double and felon voting. While no database is going to be perfect, the connections with other state databases such as the DMV and vital statistics have been invaluable in allowing them to aggressively purge dead weight and create a cleaner list. When parties use their database list they are notably more successful. Johnson wonders how other states are able to conduct elections without a similar system.

Some factors have made especially important to their success. When the database was instituted in 1973, they were able to make everyone in the state re-register and thus start with a clean database. However, it is unlikely any state could get away with this today.

She is also a big supporter of a full Social Security number standard, as practiced in Kentucky. The full Social Security, which is compared to date of birth and letters in the first and last name, automatically makes matching far more accurate. The huge benefits Kentucky has reaped make Johnson skeptical of privacy concerns arguing for an abbreviated Social Security number. Individuals are willing to submit their Social Security number for many lesser purposes, so why not voting? And in any event, they don't require a Social Security number to register (unlike others such as Georgia). Less than a percent of voters in Kentucky are registered under unique identifiers, which the Board of Elections then works to fill in the number through cross referencing with the DMV.

Recommendations

Johnson believes the backbone of effective elections administration must be standardized procedures, strong record keeping, and detailed statutes. In Kentucky, all counties use the same database and the same pre election day forms. Rather than seeing that as oppressive, county officials report that the uniformity makes their jobs easier.

This philosophy extends to the provisional ballot question. While they did not have a standard in place like HAVA's at the time of enactment, they worked quickly to put a uniform standard in place.

They have also modified forms and procedures based on feedback from prosecutors. Johnson believes a key to enforcing voting laws is working with investigators and prosecutors and ensuring that they have the information they need to mount cases.

She also believes public education is important, and that the media could do more to provide information about what is legal and what is illegal. Kentucky tries to fulfill this role by information in polling places, press releases, and high profile press conferences before elections. She notes that they deliberately use language focusing on fraud *and* intimidation.

Johnson is somewhat pessimistic about reducing absentee ballot fraud. Absentee ballots do have a useful function for the military and others who cannot get to the polling place, and motivated

individuals will always find a way to abuse the system if possible. At a minimum, however, she recommends that absentee ballots should require an excuse. She believes this has helped reduce abuse in Kentucky, and is wary of no-excuse practices in other states.

Interview with Bill Groth, Attorney for the Plaintiffs in Indiana Identification Litigation

February 22, 2006

Fraud in Indiana

Indiana has never charged or prosecuted anyone for polling place fraud. Nor has any empirical evidence of *voter impersonation* fraud or dead voter fraud been presented. In addition, there is no record of any credible complaint about *voter impersonation* fraud in Indiana. State legislators signed an affidavit that said there had never been impostor voting in Indiana. At the same time, the Indiana Supreme Court has not necessarily required evidence of voter fraud before *approving* legislative attempts to address fraud.

The state attorney general has conceded that there is no concrete fraud in Indiana, but has instead referred to instances of fraud in other states. Groth filed a detailed motion to strike evidence such as John Fund's book relating to other states, arguing that none of that evidence was presented to the legislature and that it should have been in the form of sworn affidavits, so that it would have some indicia of verifiability.

Photo ID law

By imposing restrictive ID measures, Groth contends you will discourage 1,000 times more legitimate voters than illegitimate voters you might protect against. He feels the implementation of a REAL ID requirement is an inadequate justification for the law, as it will not affect the upcoming 2006 election where thousands of registered voters will be left without proper ID. In addition, he questions whether REAL ID will be implemented as planned in 2008 considering the backlash against the law so far. He also feels ID laws are unconstitutional because of inconsistent application.

Statewide database as remedy

Groth believes many problems will be addressed by the statewide database required under HAVA. To the extent that the rolls in Indiana are bloated, it is because state officials have not complied with NVRA list maintenance requirements. Thus, it is somewhat disingenuous for them to use bloated voter rolls as a reason for imposing additional measures such as the photo ID law. Furthermore, the state has ceded to the counties the obligation to do maintenance programs, which results in a hit or miss process (see discussion in reply brief, p 26 through p. 28).

Absentee fraud

To the extent that there has been an incidence of fraud, these have all been confined to absentee balloting. Most notably the East Chicago mayoral election case where courts found absentee voting fraud had occurred. See: Pabey vs. Pastrick 816 NE 2nd 1138 Decision by the Indiana Supreme Court in 2004.

Intimidation and vote suppression

Groth is only aware of anecdotal evidence supporting intimidation and suppression activities. While he considers the sources of this evidence credible, it is still decidedly anecdotal. Instances he is aware of include police cars parked in front of African American polling places. However, most incidents of suppression which are discussed occurred well in the past. Trevor Davidson claims a fairly large scale intimidation program in Louisville.

Challengers

There was widespread information that the state Republican Party had planned a large scale challenger operation in Democratic precincts for 2004, but abandoned the plan at the last minute.

Last year the legislature made a crucial change to election laws which will allow partisan challengers to be physically inside the polling area next to members of the precinct board. Previously, challengers at the polling place have been restricted to the 'chute,' which provides a buffer zone between voting and people engaging in political activity. That change will make it much easier to challenge voters. As there is no recorded legislative history in Indiana, it is difficult to determine the justification behind this change. As both chambers and the governorship are under single-party control, the challenger statute was passed under the radar screen.

Photo ID and Challengers

Observers are especially concerned about how this change will work in conjunction with the photo ID provision. Under the law, there are at least two reasons why a member of the precinct board or a challenger can raise object to an ID: whether a presented ID conforms to ID standards, and whether the photo on an ID is actually a picture of the voter presenting it. The law does not require bipartisan agreement that a challenge is valid. All it takes is one challenge to raise a challenge to that voter, and that will lead to the voter voting by provisional ballot.

Provisional ballot voting means that voter must make a second trip to the election board (located at the county seat) within 13 days to produce the conforming ID or to swear out an affidavit that they are who they claim to be. This may pose a considerable burden to voters. For example, Indianapolis and Marion County are coterminous—anyone challenged under the law will be required to make second trip to seat of government in downtown Indianapolis. If the voter in question did not have a driver's license in the first place, they will likely need to arrange transportation. Furthermore, in most cases the election result will already be known.

The law is vague about acceptable cause for challenging a voter's ID. Some requirements for valid photo ID include being issued by state or fed gov't, w/ expiration date, and the names must conform exactly. The League of Women Voters is concerned about voters

with hyphenated names, as the Indiana DMV fails to put hyphens on driver's licenses potentially leading to a basis for challenge. Misspelling of names would also be a problem. The other primary mode of challenge is saying the photo doesn't look like the voter, which could happen in a range of instances. Essentially, the law gives unbridled discretion to challengers to decide what conforms and what does not.

Furthermore, there is no way to determine whether a challenge is in good or bad faith, and *there is* little penalty for making a bad faith challenge. The fact that there are no checks on the challenges at the precinct level, or even a requirement of concurrence from an opposing party challenger leads to the concern that challenge process will be abused. The voter on the other hand, will need to get majority approval of county election board members to defeat the challenge.

Groth suggests the political situation in Indianapolis also presents a temptation to abuse this process, as electoral margins are growing increasingly close due to shifting political calculus.

Other cases

Groth's other election law work has included a redistricting dispute, a dispute over ballot format, NVRA issues, and a case related to improper list purging, but nothing else related to fraud or intimidation. The purging case involved the election board attempting to refine its voter list by sending registration postcards to everyone on the list. When postcards didn't come back they wanted to purge those voters. Groth blames this error more on incompetence, than malevolence, however, as the county board is bipartisan. (The Indiana Election Commission and the Indiana election division are both bipartisan, but the 92 county election boards which will be administering photo id are controlled by one political party or the other—they are always an odd number, with the partisan majority determined by who controls the clerk of circuit court office.)

Recommendations

Supports nonpartisan administration of elections. Indiana specific recommendations including a longer voting day, time off for workers to vote, and an extended registration period.

He views the central problem of the Indiana photo ID law is that the list of acceptable forms of ID is too narrow and provides no fallback to voters without ID. At the least, he believes the state needs to expand the list so that most people will have at least one. If not, they should be allowed to swear an affidavit regarding their identity, under penalty of perjury/felony prosecution. This would provide sufficient deterrence for anyone considering impersonation fraud. He believes absentee ballot fraud should be addressed by requiring those voters to produce ID as well, as under HAVA.

His personal preference would be signature comparison. Indiana has never encountered an instance of someone trying to forge a name in the poll book, and while this leaves

open the prospect of dead voters, that danger will be substantially diminished by the statewide database. But if we are going to have some form of ID, he believes we should apply it to everyone and avoid disenfranchisement, provided they swear an affidavit.

Interview with Neil Bradley, February 21, 2004

Voter Impersonation Cases (issue the Georgia ID litigation revolves around)

Mr. Bradley asserted that Georgia Secretary of State Cox stated in the case at issue: that she clearly would know if there had been any instances of voter impersonation at the polls; that she works very closely with the county and local officials and she would have heard about voter impersonation from them if she did not learn about it directly; and that she said that she had not heard of "any incident"---which includes acts that did not rise to the level of an official investigation or charges.

Mr. Bradley said that it is also possible to establish if someone has impersonated another voter at the polls. Officials must check off the type of voter identification the voter used. Voters without ID may vote by affidavit ballot. One could conduct a survey of those voters to see if they in fact voted or not.

The type of voter fraud that involves impersonating someone else is very unlikely to occur. If someone wants to steal an election, it is much more effective to do so using absentee ballots. In order to change an election outcome, one must steal many votes. Therefore, one would have to have lots of people involved in the enterprise, meaning there would be many people who know you committed a felony. It's simply not an efficient way to steal an election.

Mr. Bradley is not aware of any instance of voter impersonation anywhere in the country except in local races. He does not believe it occurs in statewide elections.

Voter fraud and intimidation in Georgia

Georgia's process for preventing ineligible ex-felons from casting ballots has been improved since the Secretary of State now has the power to create the felon purge list. When this was the responsibility of the counties, there were many difficulties in purging felons because local officials did not want to have to call someone and ask if he or she was a criminal.

The State Board of Elections has a docket of irregularity complaints. The most common involve an ineligible person mailing in absentee ballots on behalf of another voter.

In general, Mr. Bradley does not think voter fraud and intimidation is a huge problem in Georgia and that people have confidence in the vote. The biggest problems are the new ID law; misinformation put out by elections officials; and advertisements that remind people that vote fraud is a felony, which are really meant to be intimidating. Most fraud that does occur involves an insider, and that's where you find the most prosecutions. Any large scale fraud involves someone who knows the system or is in the courthouse.

Prosecution of Fraud and Intimidation

Mr. Bradley stated that fraud and intimidation are hard to prosecute. However, Mr. Bradley made contradictory statements. When asked whether the decision to prosecute on the county level was politically motivated, he first said "no." Later, Mr. Bradley reversed himself stating the opposite.

Mr. Bradley also stated that with respect to US Attorneys, the message to them from the top is that this is not a priority. The Georgia ACLU has turned over information about violations of the Voting Rights Act that were felonies, and the US Attorney has done nothing with the information. The Department of Justice has never been very aggressive in pursuing cases of vote suppression, intimidation and fraud. But, the Georgia ACLU has not contacted Craig Donsanto in DC with information of voter fraud.

Mr. Bradley believes that voter fraud and intimidation is difficult to prove. It is very hard to collect the necessary factual evidence to make a case, and doing so is very labor-intensive.

Recommendations

In Georgia, the Secretary of State puts a lot of work into training local officials and poll workers, and much of her budget is put into that work. Increased and improved training of poll workers, including training on how to respectfully treat voters, is the most important reform that could be made.

Mr. Bradley also suggested that increased election monitoring would be helpful.

Interview with Douglas Webber, Assistant Attorney General, Indiana

February 15, 2006

Background

Mr. Webber was an attorney for the Marion County Election Board and was also part of the Indianapolis Ballot Security Team (sometimes called the Goon Squad). This Team was a group of attorneys well trained in election law whose mission was to enforce ballot security.

Litigation

Status of litigation in Indiana: On January 12 the briefing was completed. The parties are waiting for a decision from the U.S. district judge. The judge understood that one of the parties would seek a stay from the 7th Circuit Court of Appeals. The parties anticipate a decision in late March or early April. Mr. Webber did the discovery and depositions for the litigation. Mr. Webber feared the plaintiffs were going to state in their reply brief that HAVA's statewide database requirement would resolve the problems alleged by the state. However, the plaintiffs failed to do so, relying on a Motor Voter Act argument instead. Mr. Webber believes that the voter ID at issue will make the system much more user-friendly for the poll workers. The Legislature passed the ID legislation, and the state is defending it, on the basis of the problem of the *perception* of fraud.

Incidents of fraud and intimidation

Mr. Webber thinks that no one can put his or her thumb on whether there has been voter fraud in Indiana. For instance, if someone votes in place of another, no one knows about it. There have been no prosecuted cases of polling place fraud in Indiana. There is no recorded history of documented cases, but it does happen. In the litigation, he used articles from around the country about instances of voter fraud, but even in those examples there were ultimately no prosecutions, for example the case of Milwaukee. He also stated in the litigation that there are all kinds of examples of dead people voting--totaling in the hundreds of thousands of votes across the country.

One interesting example of actual fraud in Indiana occurred when a poll worker, in a poll using punch cards, glued the chads back and then punched out other chads for his candidate. But this would not be something that would be addressed by an ID requirement.

He also believes that the perception that the polls are loose can be addressed by the legislature. The legislature does not need to wait to see if the statewide database solve the problems and therefore affect the determination of whether an ID requirement is necessary. When he took the deposition of the Republican Co-Director, he said he thought Indiana was getting ahead of the curve. That is, there have been problems around the country, and confidence in elections is low. Therefore Indiana is now in front of getting that confidence back.

Mr. Webber stated that the largest vote problem in Indiana is absentee ballots. Absentee ballot fraud and vote buying are the most documented cases. It used to be the law that applications for absentee ballots could be sent anywhere. In one case absentee votes were exchanged for "a job on election day"---meaning one vote for a certain price. The election was contested and the trial judge found that although there was vote fraud, the incidents of such were less than the margin of victory and so he refused to overturn the election. Mr. Webber appealed the case for the state and argued the judge used the wrong statute. The Indiana Supreme Court agreed and reversed. Several people were prosecuted as a result – those cases are still pending.

Process

In Indiana, voter complaints first come to the attorney for the county election board who can recommend that a hearing be held. If criminal activity was found, the case could be referred to the county prosecutor or in certain instances to the Indiana Attorney General's Office. In practice, the Attorney General almost never handles such cases.

Mr. Webber has had experience training county of election boards in preserving the integrity and security of the polling place from political or party officials. Mr. Webber stated that the Indiana voter rolls need to be culled. He also stated that in Southern Indiana a large problem was vote buying while in Northern Indiana a large problem was based on government workers feeling compelled to vote for the party that gave them their jobs.

Recommendations

- Mr. Webber believes that all election fraud and intimidation complaints should be referred to the Attorney General's Office to circumvent the problem of local political prosecutions. The Attorney General should take more responsibility for complaints of fraud because at the local level, politics interferes. At the local level, everyone knows each other, making it harder prosecute.
- Indiana currently votes 6 am to 6 pm on a weekday. Government workers and retirees are the only people who are available to work the polls. Mr. Webber suggested that the biggest change should be to move elections to weekends. This would involve more people acting as poll workers who would be much more careful about what was going on.
- Early voting at the clerk's office is good because the people there know what they are doing. People would be unlikely to commit fraud at the clerk's office. This should be expanded to other polling places in addition to that of the county clerk.
- Finally, Mr. Webber believes polling places should be open longer, run more professionally but that there needs to be fewer of them so that they are staffed by only the best, most professional people.

Interview with Wade Henderson, Executive Director, Leadership Conference for Civil Rights

February 14, 2006

Data Collection

Mr. Henderson had several recommendations as to how to better gather additional information and data on election fraud and intimidation in recent years. He suggested interviewing the following individuals who have been actively involved in Election Protection and other similar efforts:

- Jon Greenbaum, Lawyers Committee for Civil Rights
- Tanya Clay, People for the American Way
- Melanie, Campbell, National Coalition for Black Political Participation
- Larry Gonzalez, National Association of Latino Election Officers
- Jacqueline Johnson, National Congress of American Indians
- Chellie Pingree, Common Cause
- Jim Dickson, disability rights advocate
- Mary Berry, former Chair of the US Commission on Civil Rights, currently at the University of Pennsylvania
- Judith Browne and Eddie Hailes, Advancement Project (former counsel to the US Commission on Civil Rights)
- Robert Rubin, Lawyers Committee for Civil Rights – San Francisco Office
- Former Senator Tom Daschle (currently a fellow at The Center for American Progress)

He also recommended we review the following documents and reports:

- The 2004 litigation brought by the Advancement Project and SEIU under the 1981 New Jersey Consent Decree
- Forthcoming LCCR state-by-state report on violations of the Voting Rights Act
- Forthcoming Lawyers Committee report on violations of the Voting Rights Act (February 21)

Types of Fraud and Intimidation Occurring

Mr. Henderson said he believed that the kinds of voter intimidation and suppression tactics employed over the last five years are ones that have evolved over many years. They are sometimes racially based, sometimes based on partisan motives. He believes the following types of activity have actually occurred, and are not just a matter of anecdote and innuendo, and rise to the level of either voter intimidation or vote suppression:

- Flyers with intentional misinformation, such as ones claiming that if you do not have identification, you cannot vote, and providing false dates for the election
- Observers with cameras, which people associate with potential political retribution or even violence

- Intimidating police presence at the polls
- Especially in jurisdictions that authorize challenges, the use of challenge lists and challengers goes beyond partisanship to racial suppression and intimidation
- Unequal deployment of voting equipment, such as occurred in Ohio. Also, he has seen situations in which historically Black colleges will have one voting machine while other schools will have more.

Mr. Henderson believes that these matters are not pursued formally because often they involve activities that current law does not reach. For example, there is no law prohibiting a Secretary of State from being the head of a political campaign, and then deploying voting machines in an uneven manner. There is no way to pursue that. Also, once the election is over, civil litigation becomes moot. Finally, sometimes upon reflection after the campaign, some of the activities are not as sinister as believed at the time.

Mr. Henderson believes government does not engage in a sustained investigation of these matters or pursue any kind of resolution to them. LCCR has filed a FOIA request with both the Civil Rights Division and the Criminal Division of the Department of Justice to examine this issue.

Election Protection activities will be intensified for the 2006 elections, although the focus may shift somewhat given the implementation of new HAVA requirements.

Recommendations for Reform

There was tremendous concern after the 2004 election about conflicts of interest – the “Blackwell problem” – whereby a campaign chair is also in charge of the voting system. We need to get away from that.

He also supports Senator Barak Obama’s bill regarding deceptive practices, and is opposed to the voter identification laws passing many state legislatures.

- States should adopt election-day registration, in order to boost turnout as well as to allow eligible voters to immediately rectify erroneous or improperly purged registration records
- Expansion of early voting & no-excuse absentee voting, to boost turnout and reduce the strain on election-day resources.
- Provisional ballot reforms:
 - Should be counted statewide – if cast in the wrong polling place, votes should still be counted in races for which the voter was eligible to vote (governor, etc.)
 - Provisional ballots should also function as voter registration applications, to increase the likelihood that voters will be properly registered in future elections
- Voter ID requirements: states should allow voters to use signature attestation to establish their identity

- The Department of Justice should increase enforcement of Americans with Disabilities Act and the accessibility requirements of the Help America Vote Act
- Statewide registration databases should be linked to social service agency databases
- Prohibit chief state election officials from simultaneously participating in partisan electoral campaigns within their states
- Create and enforce strong penalties for deceptive or misleading voting practices

014813

Interview with Wendy Weiser, Deputy Director, Democracy Program, The Brennan Center

Brennan Center findings on fraud

The Brennan Center's primary work on fraud is their report for the Carter Baker Commission with commissioner Spencer Overton, written in response to the Commission's ID recommendations. Brennan reviewed all existing reports and election contests related to voter fraud. They believe the contests serve as an especially good record of whether or not fraud exists, as the parties involved in contested elections have a large incentive to root out fraudulent voters. Yet despite this, the incidence of voter impersonation fraud discovered is extremely low—something on the order 1/10000th of a percentage of voters. See also the brief Brennan filed on 11th circuit in Georgia photo ID case which cites sources in Carter Baker report and argues the incidence of voter fraud too low to justify countermeasures.

Among types of fraud, they found impersonation, or polling place fraud, is probably the least frequent type, although other types, such as absentee ballot fraud are also very infrequent. Weiser believes this is because impersonation fraud is more likely to be caught and is therefore not worth the risk. Unlike in an absentee situation, actual poll workers are present to disrupt impersonation fraud, for instance, by catching the same individual voting twice. She believes perhaps one half to one quarter of the time the person will be caught. Also, there is a chance the pollworker will have personal knowledge of the person. Georgia Secretary of State Cathy Cox has mentioned that there are many opportunities for discovery of in person fraud as well. For example, if one votes in the name of another voter, and that voter shows up at the polls, the fraud will be discovered.

Weiser believes court proceedings in election contests are especially useful. Some are very extensive, with hundreds of voters brought up by each side and litigated. In both pre-election challenges and post-election contests, parties have devoted extraordinary resources into 'smoking out' fraudulent voters. Justin Leavitt at Brennan scoured such proceedings for the Carter Baker report, which includes these citations. Contact him for answers to particular questions.

Countermeasures/statewide databases

Brennan has also considered what states are doing to combat impersonation fraud besides photo ID laws, although again, it seems to be the rarest kind of fraud, beyond statistically insignificant. In the brief Brennan filed in the Georgia case, the Center detailed what states are already doing to effectively address fraud. In another on the web site includes measures that can be taken that no states have adopted yet. Weiser adds that an effort to look at strategies states have to prevent fraud, state variations, effectiveness, ease of enforcement would be very useful.

Weiser believes the best defense against fraud will be better voter lists—she argues the fraud debate is actually premature because states have yet to fully implement the HAVA database requirement. This should eliminate a great deal of 'deadwood' on voter rolls and undermine the

common argument that fraud is made possible by this deadwood. This was the experience for Michigan, which was able to remove 600,000 names initially, and later removed almost 1 million names from their rolls. It is fairly easy to cull deadwood from lists due to consolidation at the state level—most deadwood is due to individuals moving within the state and poor communication between jurisdictions. (Also discuss with Chris Thomas, who masterminded the Michigan database for more information and a historical perspective.)

Regarding the question of whether the effect of this maintenance on fraud in Michigan can be quantified, Weiser would caution against drawing direct lines between list problems and fraud. Brennan has found various groups abusing the existence of list deadwood to make claims about fraudulent voting. This is analyzed in greater detail in the Brennan Center's critique of a purge list produced by the NJ Republican party, and was illustrated by the purge list produced by the state of Florida. When compiling such lists and doing comparisons, sound statistical methods must be utilized, and often are not.

The NJ GOP created a list and asked NJ election officials to purge names of ineligible voters on it. Their list assumed that people appearing on the list twice had voted twice. Brennan found their assumptions shoddy and based on incorrect statistical practices, such as treating individuals with the same name and birthdays as duplicates, although this is highly unlikely according to proper statistical methods. Simply running algorithms on voter lists creates a number of false positives, does not provide an accurate basis for purging, and should not be taken as an indicator of fraud.

Regarding the Florida purge list, faulty assumptions caused the list to systematically exclude Hispanics while overestimating African Americans. Matching protocols required that race fields match exactly, despite inconsistent fields across databases.

The kinds of list comparisons that are frequently done to allege fraud are unreliable. Moreover, even if someone is on a voter list twice, that does not mean that voter has voted twice. That, in fact, is almost never the case.

Ultimately, even matching protocols without faulty assumptions will have a 4 percent to 35 percent error rate—that's simply the nature of database work. Private industry has been working on improving this for years. Now that HAVA has introduced a matching requirement, even greater skepticism is called for in judging the accuracy of list maintenance.

Intimidation and Suppression

Brennan does not have a specific focus here, although they do come across it and have provided assistance on bills to prevent suppression and intimidation. They happen to have an extensive paper file of intimidating fliers and related stories from before the 2004 election. (They can supply copies after this week).

Challengers

Brennan has analyzed cases where challenger laws have been beneficial and where they have been abused. See the decision and record from the 1982 NJ vs. RNC case for some of the history of these laws. Brennan is currently working on developing a model challenger law.

Weiser believes challenge laws with no requirement that the challenger have any specific basis for the challenge or showing of ineligibility are an invitation to blanket harassing challenges and have a range of pitfalls. State laws are vague and broad and often involve arcane processes such as where voters are required to meet a challenge within 5 days. There are incentives for political abuse, potential for delaying votes and disrupting the polls, and they are not necessarily directed toward the best result. Furthermore, when a voter receives a mailer alleging vote fraud with no basis, even the mere fact of a challenge can be chilling. A voter does not want to have to go through a quasi-court proceeding in order to vote.

Brennan recommends challenge processes that get results before election, minimize the burden for voters, and are restricted at polling place to challenges by poll workers and election officials, not voters. They believe limitless challenges can lead to pandemonium—that once the floodgates are open they won't stop.

Recommendations

Intimidation— Weiser believes Sen. Barak Obama's bill is a good one for combating voter harassment and deceptive practices. Many jurisdictions do not currently have laws prohibiting voter harassment and deceptive practices.

Fraud— Current state and federal codes seem sufficient for prosecuting fraud. Weiser doesn't consider them under-enforced, and sees no need for additional laws.

Voter lists— New legislation or regulations are needed to provide clear guidance and standards for generating voter lists and purging voters, otherwise states could wrongfully disenfranchise eligible voters.

Challengers—Challenge laws need to be reformed, especially ones that allow for pre-election mass challenges with no real basis. There is no one size fits all model for challenger legislation, but some bad models involving hurdles for voters lead to abuse and should be reformed. There should be room for poll workers to challenge fraudulent voters, but not for abuse.

Also useful would be recommendations for prosecutors investigating fraudulent activity, How should they approach these cases? How should they approach cases of large scale fraud/intimidation? While there is sufficient legislative cover to get at any election fraud activity, questions remain about what proper approaches and enforcement strategies should be.

014816



April 16, 2007

MEMORANDUM

To: EAC Inspector General Curtis Crider
Fr: EAC Chair Donetta Davidson
Cc: Commissioners Rodriguez, Hillman and Hunter, Tom Wilkey, and Julie Hodgkins
RE: EAC requests review of contracting procedures

On Friday, April 13, each of my three colleagues -- Rosemary Rodriguez, Gracia Hillman, and Caroline Hunter -- agreed with my recommendation that we issue the following formal request to the Commission's Office of Inspector General to review the circumstances surrounding two recent EAC research projects -- vote fraud and voter intimidation and voter identification.

Background

The U.S. Election Assistance Commission (EAC) is an independent, bipartisan Commission created by the Help America Vote Act (HAVA) of 2002.

EAC develops guidance to meet HAVA requirements, adopts voluntary voting system guidelines, accredits voting system test laboratories, certifies voting systems and audits the use of HAVA funds. HAVA also directs EAC to maintain the national mail voter registration form developed in accordance with the National Voter Registration Act (NVRA) of 1993.

The Commission serves as a national clearinghouse and resource of information regarding election administration. It is under the Commission's clearinghouse role that research projects are conducted with the goal of providing information that will lead to improvements in election administration, as well as inform the public about how, where and when we vote.

The voter identification research was conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics ("Contractor"). The contract, awarded in May 2005, required the Contractor to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches. Last month, the commission voted

unanimously not to adopt the report, citing concerns with its methodology, but voted to release all of the data provided by the Contractor.

The vote fraud and voter intimidation research was conducted by Tova Wang and Job Serebrov ("Consultants"). The contracts, awarded in September 2005, issued to these Consultants tasked them with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the Consultants were responsible for "creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future EAC research resulting from this effort."

Review Request

The actions taken by the Commission regarding both the voter identification and the vote fraud and voter intimidation research projects have been challenged. Specifically, Members of Congress, the media, and the public have suggested that political motivations may have been part of the Commission's decision making process regarding these two projects. Also, the Commission has been criticized for the amount of taxpayer dollars that were spent on these two projects, as well as how efficiently these projects were managed.

The Commission takes these allegations very seriously, and we request that you fully review the following issues and provide the Commission and the Congress with a report of your findings as soon as possible. The Commission stands ready to assist you in these efforts and will provide whatever information, including memos, emails and other documents you will need. Cooperating with your review will be the staff's top priority.

1. Current Commission policy regarding awarding and managing research contracts.
2. Issuance and management of the vote fraud and voter intimidation contract.
3. Circumstances surrounding the receipt of information from Consultants regarding the vote fraud and voter intimidation project.
4. Circumstances surrounding staff efforts to write a final report for Commission consideration.
5. Identification of staff members who assisted in the editing and collaboration of the final vote fraud and voter intimidation report for Commission consideration.
6. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the vote fraud and voter intimidation project.
7. Circumstances surrounding Commission discussion and deliberation of final adoption of *Election Crimes: An Initial Review and Recommendation for Further Study*.
8. Issuance and management of the voter identification contract.
9. Circumstances surrounding the receipt of information from Contractor regarding the voter identification report.
10. Identification of staff members who assisted in the editing, collaboration, and recommendation to the Commission regarding final adoption of the voter identification report.

014818

11. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the voter identification project.
12. Circumstances surrounding Commission deliberation whether to adopt a final voter identification report.

For your information, I have attached statements and related correspondence from Members of Congress, and a statement issued by the Commission regarding the criticism.

It is our hope that your findings will instruct us how to move forward in a more efficient, effective and transparent manner. The Commission takes its mandates under HAVA very seriously, and this small Commission has an enormous amount of work to conduct, including testing and certifying voting equipment, providing guidance and assistance to election officials, and auditing the proper use of the \$3.1 billion that was distributed under HAVA.

We look forward to your findings so that we may take the actions necessary to improve the way we conceive research projects, manage research contracts, and make decisions regarding the final release of data provided to the Commission from a third party.

United States Senate
WASHINGTON, DC 20510

April 12, 2007

The Honorable Donetta Davidson
Chairman
U.S. Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, DC 20005

Dear Commissioner Davidson:

We are writing to seek a response to very troubling news reports that included allegations that the Commission may have altered or delayed release of two taxpayer-funded studies of election issues for political purposes.

While the Commission is within its rights to decide what guidance it issues to election officials, it is critical that its actions are not perceived as politically motivated and it is imperative that you provide full documentation about the Commission's proceedings on these matters.

On Wednesday, the *New York Times* reported that a bipartisan team of election law experts hired by the Commission to research voter fraud in federal elections found that there was little such fraud around the nation, but the Commission revised the report to say that the pervasiveness of voter fraud was still open to debate.

On Monday, *Roll Call* reported that the Commission two weeks ago rejected the findings of a report, prepared as part of a \$560,000 contract with Rutgers University's Eagleton Institute and Ohio State University's Moritz College of Law. That report found that voter identification laws may reduce election turnout, especially by minorities.

014820

Commissioner Davidson

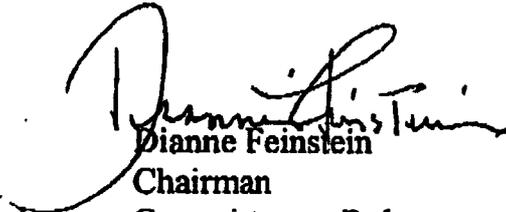
- 2 -

April 12, 2007

It is imperative that the Commission's actions and deliberations are unbiased, free from political influence and transparent. While the Commission does not have to agree with the experts who perform its research, it should make the research available unfettered and unfiltered.

Attached are a series of questions, we would like the Commission to address. We look forward to your timely response.

Sincerely,



Dianne Feinstein
Chairman
Committee on Rules
and Administration



Richard J. Durbin
Chairman
Subcommittee on Financial
Services and General
Government
Committee on Appropriations

014821

We request information and documentation from the Commission that answer the following questions:

COMMISSION'S OVERSIGHT ON EAGLETON CONTRACT TO PERFORM A STUDY ON VOTER IDENTIFICATION

1. Did the Commissioners or Commission senior staff receive any outside communication or pressure to change or not release the entire draft report or portions of the draft language on the voter fraud report? If so, who made those requests?
2. Would you please provide a copy of the approved Request For Proposals, as well as any contract modifications that were agreed to between the Commission and Eagleton Institute and subcontractors?
3. Can you provide the names and qualifications of Election Assistance Commission staff that worked on the Eagleton Institute project?
4. Please indicate how many project meetings occurred during the term of the Eagleton contract, including in-person meetings, conference calls regarding the status of the report, and any meeting where Commissioners were present for at least part of the meeting. Please provide copies of any minutes from those meetings.
5. Please identify the names and affiliations of members of the Peer Review group or groups that examined the Eagleton Institute drafts. Please also indicate the dates upon which any such review of the Eagleton research was conducted, and the specific concerns or complaints that were raised by members of the Peer Review group as to either the analysis or statistical methodology, if any. Please provide copies of any minutes from those meetings.
6. If certain members of the Peer Review groups had concerns with the data or methodology of the Eagleton study, was that information communicated to Eagleton, and were any changes made to the study based on Peer Review group concerns with methodology or data?
7. Who were the individuals (and what were their academic qualifications) that advised the Commission that the data, methodology, or the results of the Eagleton Contract were so flawed that the Commission should reject the report? At what point did the Commission receive input from those individuals?

014822

8. The Commission previewed its research on the Eagleton Institute's study on Provisional Voting at its May 2006 Advisory Board meetings—why was the Voter Identification Draft Study not discussed at that time? What is the status of the Provisional Voting report?
9. In rejecting the Eagleton report, the Commission indicated concerns that there was only one year's worth of data. Given that this was the first year that Commission had studied the results, isn't "one year" what was originally contemplated in the Eagleton contract? Isn't the reason for having a major research institute conduct this study is so they can draw initial assessments from that data—even though that data can be augmented in future years? Because of the rejected report, will the Commission start anew for research in the 2008 elections?
10. What was the final, total cost of the Eagleton contract, and what was produced or released by that Commission as a result of that contract?

COMMISSION'S OVERSIGHT OVER VOTER FRAUD/INTIMIDATION STUDY

1. Did the Commissioners or Commission senior staff receive any outside communication or pressure to change or not release the entire draft report or portions of the draft language on the voter fraud report? If so, who made those requests?
2. Given the bipartisan nature of the Working Group that guided the Voter Fraud/Intimidation report, and the bipartisan nature of the contracted experts who uniformly support the results of this report, what concerns lead the Commission to determine the report should not be released?
3. If there were points in the report that the Commission objected to, were there attempts to work with the contractors to deal with specific concerns? If there were such attempts, please describe them.

014825

4. Who drafted the Commission summary (released in December, 2006) of the Voter Fraud/Intimidation report, and what were their credentials and involvement in the original research process? Were there instructions or guidance given from Commissioners or senior staff as to what portions of the research should be emphasized? Who at the Commission reviewed the summarized report? Since the contracted experts are referred to in the Commission's released report, were the contractors allowed a chance to review or edit that Commission's final report that was released in December, 2006?
5. Please provide copies of any electronic or written communications between Commission employees that relate to the editing of the Voter Fraud/Intimidation report.
6. Please explain what Mr. Job Serebrov was referring to in his email referenced in the *New York Times* article of April 11, 2007. Please provide any documents in the Commission's possession where employees or contracted experts discussed pressure, political sensitivities, or the failure of the Commission to adopt the Voter Fraud/Intimidation report from March 1, 2006 to present.
7. While we realize that the Commission voted to release its summary report in December 2006, was there a public vote taken to reject the Draft Voter Fraud/Intimidation report? Such a monumental decision to reject the contract experts' work is a policy decision, and one that should be done in public. When was the decision made to reject the original report, and what notice was provided to the public that the Commission would reject that report?
8. Prior to the Draft Voter Fraud/Intimidation report's release, had other organizations requested a copy of that original report? Please include copies of your responses to those organizations, if any.
9. Had any States requested that the Commission or staff provide guidance related to voter identification requirements in the Help America Vote Act, or identification requirements generally? Please provide those requests, and any responses from the Commission.
10. Please indicate what steps the Commission is taking to ensure that political considerations do not impact the agency's research and that decisions are handled in a public and transparent manner.

014824

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 of 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 taking criminal advantage of that. In total, the San Francisco Chronicle found 5 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 in three particular jurisdictions as detailed in the vote buying summary. There were more official investigations, indictments and convictions/pleas in this area. All of these cases are concentrated in the Midwest and South.

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 voter registration forms. 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 one 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 has 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.



April 16, 2007

MEMORANDUM

To: EAC Inspector General Curtis Crider
Fr: EAC Chair Donetta Davidson
Cc: Commissioners Rodriguez, Hillman and Hunter, Tom Wilkey, and Julie Hodgkins
RE: EAC requests review of contracting procedures

On Friday, April 13, each of my three colleagues – Rosemary Rodriguez, Gracia Hillman, and Caroline Hunter -- agreed with my recommendation that we issue the following formal request to the Commission’s Office of Inspector General to review the circumstances surrounding two recent EAC research projects – vote fraud and voter intimidation and voter identification.

Background

The U.S. Election Assistance Commission (EAC) is an independent, bipartisan Commission created by the Help America Vote Act (HAVA) of 2002.

EAC develops guidance to meet HAVA requirements, adopts voluntary voting system guidelines, accredits voting system test laboratories, certifies voting systems and audits the use of HAVA funds. HAVA also directs EAC to maintain the national mail voter registration form developed in accordance with the National Voter Registration Act (NVRA) of 1993.

The Commission serves as a national clearinghouse and resource of information regarding election administration. It is under the Commission’s clearinghouse role that research projects are conducted with the goal of providing information that will lead to improvements in election administration, as well as inform the public about how, where and when we vote.

The voter identification research was conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics (“Contractor”). The contract, awarded in May 2005, required the Contractor to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches. Last month, the commission voted

014827

unanimously not to adopt the report, citing concerns with its methodology, but voted to release all of the data provided by the Contractor.

The vote fraud and voter intimidation research was conducted by Tova Wang and Job Serebrov ("Consultants"). The contracts, awarded in September 2005, issued to these Consultants tasked them with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the Consultants were responsible for "creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future EAC research resulting from this effort."

Review Request

The actions taken by the Commission regarding both the voter identification and the vote fraud and voter intimidation research projects have been challenged. Specifically, Members of Congress, the media, and the public have suggested that political motivations may have been part of the Commission's decision making process regarding these two projects. Also, the Commission has been criticized for the amount of taxpayer dollars that were spent on these two projects, as well as how efficiently these projects were managed.

The Commission takes these allegations very seriously, and we request that you fully review the following issues and provide the Commission and the Congress with a report of your findings as soon as possible. The Commission stands ready to assist you in these efforts and will provide whatever information, including memos, emails and other documents you will need. Cooperating with your review will be the staff's top priority.

1. Current Commission policy regarding awarding and managing research contracts.
2. Issuance and management of the vote fraud and voter intimidation contract.
3. Circumstances surrounding the receipt of information from Consultants regarding the vote fraud and voter intimidation project.
4. Circumstances surrounding staff efforts to write a final report for Commission consideration.
5. Identification of staff members who assisted in the editing and collaboration of the final vote fraud and voter intimidation report for Commission consideration.
6. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the vote fraud and voter intimidation project.
7. Circumstances surrounding Commission discussion and deliberation of final adoption of *Election Crimes: An Initial Review and Recommendation for Further Study*.
8. Issuance and management of the voter identification contract.
9. Circumstances surrounding the receipt of information from Contractor regarding the voter identification report.
10. Identification of staff members who assisted in the editing, collaboration, and recommendation to the Commission regarding final adoption of the voter identification report.

11. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the voter identification project.
12. Circumstances surrounding Commission deliberation whether to adopt a final voter identification report.

For your information, I have attached statements and related correspondence from Members of Congress, and a statement issued by the Commission regarding the criticism.

It is our hope that your findings will instruct us how to move forward in a more efficient, effective and transparent manner. The Commission takes its mandates under HAVA very seriously, and this small Commission has an enormous amount of work to conduct, including testing and certifying voting equipment, providing guidance and assistance to election officials, and auditing the proper use of the \$3.1 billion that was distributed under HAVA.

We look forward to your findings so that we may take the actions necessary to improve the way we conceive research projects, manage research contracts, and make decisions regarding the final release of data provided to the Commission from a third party.

Interview List

Academics

Mike Alvarez
Steve Ansolobhere
Lorri Minnite
Chandler Davidson

Judges

Justice Tom Glaze, Supreme Court of Arkansas
Justice Charles Talley Wells, Supreme Court of Florida
Justice Evelyn Lundberg Stratton, Supreme Court of Ohio
Justice Pamela B. Minzner, Supreme Court of New Mexico

Election Administrators

Harry VanSickle, Commissioner of Elections, Pennsylvania
Mike McCarthy, Supervisor of Elections, Minnesota
John Ravitz, Board of Elections, New York City
Kevin Kennedy, Director of Elections, Wisconsin
Connie McCormick, Los Angeles County Registrar
Trey Grayson, Kentucky Secretary of State
Rebecca Vigil-Giron, New Mexico Secretary of State

Advocates

Wade Henderson, Executive Director, Leadership Conference on Civil Rights
Donna Brazile, Chair, Democratic National Committee's Voting Rights Institute
Nina Perales, Regional Counsel, Mexican American Legal Defense and Educational Fund
James A. Baker III (DC), Baker-Carter Commission
Sharon Priest (AR), former Secretary of State of Arkansas, Baker-Carter Commission
Robin DeJarnette, Executive Director, American Center for Voting Rights

Election Lawyers

Laughlin McDonald, ACLU Voting Rights Project
Wendy Weiser, Brennan Center
Joseph Sandler, Sandler, Reif & Young
Joseph Rich, former head of the Voting Section, DOJ

James Bopp, Bopp, Coleson & Bostrom
Pat Rogers, Modrall, Sperling, Roehl, Harris and Sisk, P.A.
Colleen McAndrews, Bell, McAndrews, Hiltachk, & Davidson
Charles Bell Jr., Bell, McAndrews, Hiltachk, & Davidson

Attorneys involved in the Georgia, Indiana, and Arizona Litigation

Georgia

Thurbert Baker, Georgia Attorney General (Defendants)
Laughlin McDonald and Danny Levitas, ACLU of Georgia (Plaintiffs)

Indiana

Bill Groth, Fillenwarth, Dennerline, Groth & Towe (Plaintiffs)

Thomas M. Fisher, Esq. and Douglas J. Webber, Esq. Indiana Attorney General's Office
(Defendants)

Arizona

Steve Reyes and Nina Perales, MALDEF (Plaintiffs)
Mary O'Grady, Arizona Assistant Attorney General

SUMMARY OF INFO FROM INTERVIEWS
PRELIMINARY VOTING FRAUD-VOTER INTIMIDATION STUDY

Voter Suppression & Intimidation:

- Voter suppression efforts are sometimes racially based, and sometimes based on partisan considerations
- Hard to know how much vote suppression and intimidation is taking place because it depends on one's definition of the terms – they are used very loosely by some people. Many instances of what some people refer to as voter intimidation are more unclear now (e.g.; photographing voters at the polls has been called intimidating, but now everyone is at the polls with a camera). It is hard to know when something is intimidation and it is difficult to show that it was an act of intimidation
- The fact that both parties are engaging in these tactics now makes it more complicated. It makes it difficult to point the finger at any one side.
- Some advocates assert that, given the additional resources and latitude given to the DOJ enforcement of acts such as double voting and noncitizen voting, there should be an equal commitment to enforcement of acts of intimidation and suppression cases.
- Examples:
 - spreading of false information, such as phone calls, flyers, and radio ads that intentionally mislead as to voting procedures, such as claiming that if you do not have identification, you cannot vote, and providing false dates for the election
 - Observers with cameras, which people associate with potential political retribution or even violence
 - Intimidating police presence at the polls
 - open hostility by poll workers toward minorities (racial and language), or poll workers asking intimidating questions;
 - groups of officious-looking poll watchers at the poll sites who seem to be some sort of authority looking for wrongdoing;
 - challenges
 - There are cases where challenger laws have been beneficial and where they have been abused (Brennan is currently working on developing a model challenger law)
 - No way to determine whether a challenge is in good or bad faith, and there is little penalty for making a bad faith challenge. The fact that there are no checks on the challenges at the precinct level, or even a requirement of concurrence from an opposing party challenger leads to the concern that challenge process will be abused. The voter on the other hand, will need to get majority approval of county election board members to defeat the challenge.
 - Especially in jurisdictions that authorize challenges, the use of challenge lists and challengers goes beyond partisanship to racial suppression and intimidation
 - instances where civic groups and church groups intimidate members to vote in a specific manner, not for reward, but under threat of being ostracized or even telling them they will go to hell.(AR, KY)
 - moving poll sites
 - having Indians vote at polling places staffed by non-Indians often results in incidents of disrespect towards Native voters, judges aren't familiar with Indian last names and are more dismissive of solving discrepancies with native voters
 - intimidation at the poll sites in court houses. Many voters are afraid of the county judges or county employees and therefore will not vote. They justifiably believe their ballots will be opened by these employees to see who they voted for, and if they voted against the county people, retribution might ensue. (AR)

Fraud in Voting:

NOTE: Many interviewees appear to have made claims regarding the quantity and type of voting fraud based on incomplete data, their personal experience, or their impressions (e.g.; voting fraud

014832

SUMMARY OF INFO FROM INTERVIEWS
PRELIMINARY VOTING FRAUD-VOTER INTIMIDATION STUDY

has been confined to absentee ballots; there is no in person assumption of others' voter identities to vote).

- The most commonly cited example of voting fraud mentioned was absentee ballot fraud (e.g.: vote selling involving absentee ballots, the filling out of absentee ballots en masse, people at nursing homes filling out the ballots of residents, and union leaders getting members to vote a certain way by absentee ballot).
- Many assert that impersonation, or polling place fraud, is probably the least frequent type because:
 - impersonation fraud is more likely to be caught and is therefore not worth the risk
 - unlike in an absentee situation, actual poll workers are present to disrupt impersonation fraud, for instance, by catching the same individual voting twice
 - if one votes in the name of another voter, and that voter shows up at the polls, the fraud will be discovered
 - one half to one quarter of the time the person will be caught (there is a chance the pollworker will have personal knowledge of the person, Georgia Secretary of State Cathy Cox has mentioned that there are many opportunities for discovery of in person fraud as well).
 - deterrent is that it's a felony, and that one person voting twice is not an effective way to influence an election. One would need to get a lot of people involved for it to work
- Vote buying still occurs and, in some cases, it is hard to distinguish between intimidation and vote buying.
- Tampering with ballots in transit between poll and election office is a concern (AR)

Voter Registration:

- Some assert that registration fraud is the major issue (esp unsupervised voter registration drives by political parties and advocacy groups that pay workers to register voters)
- Some assert that various groups abuse the existence of list deadwood to make claims about fraudulent voting.
- Some assert that when compiling such lists and doing comparisons, which are used as the basis for challenges, sound statistical methods must be utilized, and often are not. Matching protocols without faulty assumptions will have a 4 percent to 35 percent error rate—that's simply the nature of database work. Private industry has been working on improving this for years.
- If someone is on a voter list twice, that does not mean that voter has voted twice.
- Many problems will be addressed by the statewide database required under HAVA

Enforcement:

- States vary in their authority to intervene in and track voter intimidation-voter suppression and voting fraud cases (e.g.: in AR, enforcement is the responsibility of counties, in IN it is responsibility of State AG).
- Voter fraud and intimidation is difficult to prove. It is very hard to collect the necessary factual evidence to make a case, and doing so is very labor-intensive
- Some believe that voter suppression matters are not pursued formally because often they involve activities that current law does not reach.
- Only two interviewees assert that current state and federal codes seem sufficient for prosecuting fraud, and are not under-enforced (no need for additional laws).
- Some advocacy groups assert that the government does not engage in a sustained investigation of voter suppression matters or pursue any kind of resolution to them. There is a perception that the Department of Justice has never been very aggressive in pursuing cases of vote suppression, intimidation and fraud, and that choices DOJ has made with respect to where they have brought claims do not seem to be based on any systematic analysis of where the biggest problems are.
- Some advocates point out that, once the election is over, civil litigation becomes moot.

014833

SUMMARY OF INFO FROM INTERVIEWS
PRELIMINARY VOTING FRAUD-VOTER INTIMIDATION STUDY

- The development of a pre-election challenge list targeted at minorities (some claim this has never been pursued, yet Mr. Tanner said the DOJ was able to informally intervene in challenger situations in Florida, Atkinson County, Georgia and in Alabama), long lines due to unequal distribution of voting machines based on race, list purges based on race, unequal application of voter ID rules, and refusal to offer a provisional ballot on the basis of race would be VRA violations.
- DOJ asserts there is a big gap between complaints and what can be substantiated
- DOJ Voting Rights Section - Federal Voting Rights Act only applies to state action, so the section only sues State and local governments – it does not have any enforcement power over individuals. Most often, the section enters into consent agreements with governments that focus on poll worker training, takes steps to restructure how polls are run, and deals with problems on Election Day on the spot. When deciding what to do with the complaint, the section errs on the side of referring it criminally because they do not want civil litigation to complicate a possible criminal case
- DOJ Election Crimes Branch – DOJ is permitted to prosecute whenever there is a candidate for federal office, but can't prosecute everything. Deceptive practices that are committed by individuals and would be a matter for the Public Integrity Section; local government would have to be involved for the voting section to become involved. The problem is asserting federal jurisdiction in non-federal elections. (In U.S. v. McNally, the court ruled that the mail fraud statute does not apply to election fraud. It was through the mail fraud statute that the department had routinely gotten federal jurisdiction over election fraud cases. 18 USC 1346, the congressional effort to "fix" McNally, did not include voter fraud.)
- It is preferable for the federal government to pursue these cases for the following reasons:
 - federal districts draw from a bigger and more diverse jury pool;
 - the DOJ is politically detached; local district attorneys are hamstrung by the need to be re-elected;
 - DOJ has more resources – local prosecutors need to focus on personal and property crimes---fraud cases are too big and too complex for them;
 - DOJ can use the grand jury process as a discovery technique and to test the strength of the case.
- Some assert that election crimes are not high on the priority list of either district attorneys or grand juries; therefore, complaints of election crime very rarely are prosecuted or are indicted by the grand jury.
- Political parties have devoted extraordinary resources into 'smoking out' fraudulent voters

Recommendations Re Laws & Procedures:

- It is important to keep clear who the perpetrators of the fraud are and where the fraud occurs because that effects what the remedy should be.
- Support Senator Barak Obama's bill for combating voter harassment and deceptive practices. (Many jurisdictions do not currently have laws prohibiting voter harassment and deceptive practices.)
- Support a new law that allows the DOJ to bring civil actions for suppression that are not race based, for example, deceptive practices or wholesale challenges to voters in jurisdictions that tend to vote heavily for one party.
- Support a new federal law that allows federal prosecution whenever a federal instrumentality is used, e.g. the mail, federal funding, interstate commerce (DOJ has drafted such legislation, which was introduced but not passed in the early 1990s.)
- Put stronger teeth in the voter fraud laws; step up enforcement against fraud and provide stiffer penalties as current penalties make the risk of committing fraud relatively low
- There should be increased resources dedicated to expanded DOJ monitoring efforts. This might be the best use of resources since monitors and observers act as a deterrent to fraud and intimidation.
- Some advocate that all election fraud and intimidation complaints should be referred to the State Attorney General's Office to circumvent the problem of local political prosecutions. The

SUMMARY OF INFO FROM INTERVIEWS
PRELIMINARY VOTING FRAUD-VOTER INTIMIDATION STUDY

Attorney General should take more responsibility for complaints of fraud because at the local level, politics interferes

- Some advocate greater resources for district attorneys. In addition, during election time, there should be an attorney in the DA's office who is designated to handle election prosecution
- Would be useful to have recommendations for prosecutors investigating fraudulent activity
- Better trained poll workers
- Polling places should be open longer, run more professionally but there needs to be fewer of them so that they are staffed by only the best, most professional people (Voting Centers).
- Move elections to weekends. This would involve more people acting as poll workers who would be much more careful about what was going on.
- A day should be given off of work without counting as a vacation day so that better poll workers are available.
- Early voting at the clerk's office is good because the people there know what they are doing. People would be unlikely to commit fraud at the clerk's office. This should be expanded to other polling places in addition to that of the county clerk.
- Many assert that the best defense against fraud will be better voter lists.
 - States should be urged to implement statewide voter lists in accordance with the Help America Vote Act ("HAVA"), the election reform law enacted by Congress in 2002 following the Florida debacle
 - Linking voter registration databases across states may be a way to see if people who are registered twice are in fact voting twice
 - New legislation or regulations are needed to provide clear guidance and standards for generating voter lists and purging voters, otherwise states could wrongfully disenfranchise eligible voters; purging must be done in a manner that uses the best databases, and looks at only the most relevant information
 - The process for preventing ineligible ex-felons from casting ballots needs to be improved
 - statewide registration databases should be linked to social service agency databases
- Challenge laws need to be reformed, especially ones that allow for pre-election mass challenges with no real basis. There is no one size fits all model for challenger legislation, but some bad models involving hurdles for voters lead to abuse and should be reformed. There should be room for poll workers to challenge fraudulent voters, but not for abuse. (KY has list of defined reasons for which they can challenge a voter, such as residency, and the challengers must also fill out paperwork to conduct a challenge) Last minute challenges should not be permitted
- False information campaigns should be combated with greater voter education, the media could do more to provide information about what is legal and what is illegal
- Improve the protective zone around polling places: the further vote suppressers can keep people away from the polls, the better.
- States should be encouraged to:
 - codify into law uniform and clear published standards for voter registration, challenges, voter ID, poll worker training, use and counting of provisional votes, the distribution of voting equipment and the assignment of official pollworkers among precincts, to ensure adequate and nondiscriminatory access
 - standardize forms
 - modify forms and procedures based on feedback from prosecutors
- Ensure good security procedures for the tabulation process and more transparency in the vote counting process
- Conduct post-election audits
- Many advocate eliminating "no excuse" absentee voting.
- Some recommend reducing partisanship in election administration, but others are skeptical of the feasibility of this

SUMMARY OF INFO FROM INTERVIEWS
PRELIMINARY VOTING FRAUD-VOTER INTIMIDATION STUDY

- Some strongly recommend requiring voter ID, while others strongly oppose it as a voter suppression tactic, asserting that states should not adopt requirements that voters show identification at the polls, beyond those already required by federal law (requiring that identification be shown only by first time voters who did not show identification when registering.) and that states could use signature comparisons.
- Political parties should monitor the processing of voter registrations and purging of registered by local election authorities on an ongoing basis to ensure the timely processing of registrations and changes, including both newly registered voters and voters who move within a jurisdiction or the state, and the Party should ask state Attorneys General to take action where necessary to force the timely updating of voter lists or to challenge, unlawful purges and other improper list maintenance practices.

Future Study Recommendations:

- Just because there was no prosecution, does not mean there was no vote fraud; very hard to come up with a measure of voter fraud short of prosecution
- EAC should conduct a survey of the general public that asks whether they have committed certain acts or been subjected to any incidents of fraud or intimidation. This would require using a very large sample, and we would need to employ the services of an expert in survey data
- EAC should work with the Census Bureau to have them ask different, additional questions in their Voter Population Surveys
- EAC should talk to private election lawyers

August 2005

CURRICULUM VITAE

NAME: Chandler Davidson

TITLE: Research Professor,
Department of Sociology,
Radoslav Tsanoff Professor
of Public Policy Emeritus

ADDRESS: Department of Sociology MS 28
Rice University
6100 South Main Street
Houston, Texas 77005-1892

PHONE NUMBERS: 713-348-3490
713-669-0521

FAX NUMBER: 713-348-5296

DATE OF BIRTH: 13 May 1936

EDUCATION: University of Texas B.A. 1961
Princeton University M.A. 1966
Princeton University Ph.D. 1969

MILITARY SERVICE: U.S. Navy (Honorable Discharge, 1962)

TEACHING EXPERIENCE:
1966-1968 Instructor, Rice University
1968-1973 Assistant Professor, Rice University
1973-1983 Associate Professor with tenure, Rice University
1983-2003 Professor, Rice University
2003- Professor Emeritus, Research Professor

HONORS:
Senior Honors Program, Dept. of Philosophy, University of Texas, 1960-61
Undergraduate Philosophy Scholarship, University of Texas, 1960-61

014837

Phi Beta Kappa, University of Texas, 1961
Fulbright Scholar, University of Poitiers, Faculté des Lettres, 1961-62
Woodrow Wilson Fellow, Princeton University, 1963-64
Brown College (Rice University), Teaching Excellence Award in the Humanities
1969-70
Outstanding Texas author, 1972, Theta Sigma Phi, Austin Professional Chapter
of Women in Communications (award given for Biracial Politics).
Research Fellow, National Endowment for the Humanities, 1976-77
Rice University Provost Lecturer, 1985
Controversies in Minority Voting, co-edited with Bernard Grofman, chosen as an
Outstanding Book on Human Rights in the United States by the Gustavus
Myers Center for the Study of Human Rights, 1993
Quiet Revolution in the South, co-edited with Bernard Grofman, chosen as the
winner of the Richard F. Fenno Prize awarded annually by the Legislative
Studies section of the American Political Science Association for the best book
in legislative studies published in the previous year, 1995
Ally Award, Center for the Healing of Racism (Houston), 1996
George R. Brown Award for Superior Teaching, Rice University, 1997, 1999,
2000, 2002
George R. Brown Award for Excellence in Teaching, Rice University, 1998
Philosophical Society of Texas, 1998-
Minority Vote Dilution named to Howard University Press Classic Editions
Library Series, 2004

ADVISORY PANELS, COMMISSIONS

Voting Rights Research Advisory Board, University of California, Berkeley, 2004-
National Commission on the Voting Rights Act, 2005-

BIOGRAPHICAL ENTRIES:

Who's Who in America
Who's Who in The Southwest
Who's Who in American Education

JOINT APPOINTMENTS:

Professor, Department of Political Science, Rice University (1997-2003)

PROFESSIONAL ACTIVITIES AND MEMBERSHIPS:

American Political Science Association
American Association of University Professors
Advisory Committee, Democracy, Diversity, and Voice (The Democracy
Collaborative, University of Maryland)

SELECTED ADMINISTRATIVE SERVICE:

- 1973-75 Chair, University Library Committee
- 1977-78 President, Rice Chapter, American Association of University Professors
- 1979-83 Chair, Department of Sociology
- 1986-89 Chair, Department of Sociology
- 1987-88 Chair, Rice Task Force on Substance Abuse
- 1988 Chair, Search Committee, Director of Office of Minority Affairs
- 1988-90 Co-founder and first coordinator of interdisciplinary teaching team for "Intellectual Foundations of the Social Sciences," core curriculum course
- 1993-96 Chair, Committee on Undergraduate Admission
- 1995-2003 Chair, Department of Sociology
- 1997 Chair, President's Ad Hoc Committee to Revise Faculty Dismissal Policy
- 1999-00 Chair, Committee on Teaching
- 1998-02 Chair, Inter-institutional Search Committee, University of Texas School of Public Health and Rice University Department of Sociology
- 2002-03 Chair, Athletic Subcommittee of Faculty Council

AREAS OF SCHOLARLY ACTIVITY:

- Politics and Society
- Social Stratification
- Race and Ethnic Relations
- Electoral Behavior
- Texas Politics
- Minority Voting Rights

EXTERNAL RESEARCH SUPPORT:

- National Endowment for the Humanities, full salary support for the year (1976-77)
- National Science Foundation, \$231,331 grant, "Collaborative Research on the Implementation and Effects of the 1965 Voting Rights Act," co-principal investigator with Bernard Grofman, University of California at Irvine (1988-92)
- National Science Foundation Law and Social Sciences Program, \$8,500 grant, "Supplementary Grant for Collaborative Research on the Voting Rights Act: The Effects of Changing Electoral Systems on the Election of Women" (NSF SES #88-09329), co-principal investigator with Bernard Grofman and Susan Welch (1989-90).
- Rockefeller Foundation, \$50,000 grant, "A Conference on the Voting Rights Act: A Twenty-five Year Perspective," with Thomas Mann and Bernard Grofman, under the auspices of the Brookings Institution (1989-90).

014839

Ford Foundation, \$6,000 grant. "Newspaper Data Base on 1990s Redistricting," Bernard Grofman, principal investigator (1991-93).

CONGRESSIONAL TESTIMONY

"Prepared statement of Chandler Davidson, Chair, Department of Sociology, Rice University, Houston, Tex." Voting Rights Act: Hearings before the Subcommittee on the Constitution of the Committee on the Judiciary, United States Senate (Volume 2), Serial No. J-97-92; Washington, D.C.: U.S. Government Printing Office, 1983, pp. 293-303.

"Voting Rights Roundtable," Subcommittee on Civil and Constitutional Rights, Judiciary Committee, U.S. House of Representatives, May 25, 1994, invited participant.

U. S. SUPREME COURT CITATIONS OF PUBLICATIONS

Thornburg v. Gingles, 478 U.S. 30, 106 S. Ct. 2752 (1986).

Shaw v. Reno, 509 U.S. 630, 113 S. Ct. 2816 (1993).

Johnson v. De Grandy, 512 U.S. 997, 114 S. Ct. 2647 (1994).

Miller v. Johnson, 515 U.S. 900, 115 S. Ct. 2475 (1995).

Bush v. Vera, 517 U.S. 952, 116 S. Ct. 1941 (1996).

Shaw v. Hunt, 517 U.S. 899, 116 S. Ct. 1896 (1996).

Abrams v. Johnson, 521 U.S. 74, 117 S. Ct. 1925 (1997).

PUBLICATIONS:

I. Intended Primarily for a Professional Audience

Books:

Biracial Politics: Conflict and Coalition in the Metropolitan South, Louisiana State University Press, 1972.

Minority Vote Dilution (editor), Howard University Press, 1984 (paperback ed., 1989).

Race and Class in Texas Politics, Princeton University Press, 1990 (paperback ed. 1992).

Controversies in Minority Voting: The Voting Rights Act in Perspective (ed. with Bernard Grofman), The Brookings Institution, 1992 (hardcover and paperback).

Quiet Revolution in the South: The Impact of the Voting Rights Act, 1965-1990 (ed. with Bernard Grofman), Princeton University Press, 1994 (hardcover and paperback).

Commissioned Reports:

Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression—or Both?. in co-authorship with Tanya Dunlap, Gale Kenny,

014840

and Benjamin Wise, Center for Voting Rights and Protection, Washington, D.C. (2004).

Articles and Book Chapters:

- "A Summer Enrichment Program for Black Pre-Medical students," in co-authorship with Daniel Creson, M.D., Texas Reports on Biology and Medicine, 29 (1971), 443-50.
- "Houston Elects a Mayor," in co-authorship with Douglas Longshore, New South: A Quarterly Journal of Southern Affairs, 27 (1972), 47-61.
- "Ethnic Attitudes as a Basis for Minority Cooperation in a Southwestern Metropolis," in co-authorship with Charles Gaitz, Social Science Quarterly, 22 (1974), 738-48.
- "Are the Poor Different?", in co-authorship with Charles Gaitz, Social Problems, 22 (1974), 230-45.
- "Variations in Gender Roles Among Classes," in co-authorship with Virginia Davidson, M.D., Sex Roles: A Journal of Research, 3 (1977), 459-67.
- "At-Large Elections and Minority Representation," Social Science Quarterly, 60 (1979), 337-38.
- "The Effects of At-Large Elections on Minority Representation: A Review of Historical and Recent Evidence," in co-authorship with George Korbel, Journal of Politics, 43 (1981), 982-1005.
- "Reforming a Reform," in Merle Black and John Shelton Reed (eds.), Perspectives on the American South, London, New York, Paris: Gordon and Breach Science Publishers, 1981, 143-49.
- "Houston: The City Where the Business of Government is Business," in Wendell Bedichek and Neal Tannahill (eds.), Public Policy in Texas, Glenview, Ill.: Scott, Foresman and Company, 1982, 275-88.
- "The Democrats," in Wendell Bedichek and Neal Tannahill (eds.), Public Policy in Texas, Glenview, Ill.: Scott, Foresman and Company, 1982, 160-70.
- "Carter Wesley," in Rayford Logan and Jeremy Townsend (eds.), The Dictionary of American Negro Biography, New York and London: W. W. Norton and Company, 1983, 639-40.
- "Minority Vote Dilution: An Overview," in Chandler Davidson (ed.), Minority Vote Dilution, Washington, D.C.: Howard University Press, 1984, 1-23.
- "Nonpartisan Slating Groups in an At-Large Setting," in co-authorship with Luis Fraga, in Chandler Davidson, Minority Vote Dilution, Washington, D.C.: Howard University Press, 1984, 119-43.
- "Ethnic Jokes: An Introduction to Race and Nationality," Teaching Sociology, 15 (1987), 296-302.
- "Slating Groups as Parties in a 'Nonpartisan' Setting," in co-authorship with Luis Fraga, Western Political Quarterly, 41 (1988), 373-90.
- "The Voting Rights Act: A Brief History," in Grofman and Davidson (eds.), Controversies in Minority Voting (1992), 7-51.

- "Postscript: What is the Best Route to a Color-Blind Society?", with B. Grofman, in Grofman and Davidson (eds.), Controversies in Minority Voting (1992), 300-17.
- "The Voting Rights Act: Protecting the Rights of Racial and Language Minorities in the Electoral Process" (Introduction to special issue of journal on the Voting Rights Act), Chicano-Latino Law Review, 13 (1993), 1-14.
- "Editors' Introduction" (in co-authorship with B. Grofman), in Davidson and Grofman (eds.), Quiet Revolution in the South (1994), 3-17.
- "The Recent Evolution of Voting Rights Law Affecting Racial and Language Minorities," in Davidson and Grofman (eds.), Quiet Revolution in the South (1994), 21-37.
- "Texas" (with R. Brischetto, D. Richards, and B. Grofman), in Davidson and Grofman (eds.), Quiet Revolution in the South (1994), 233-70.
- "The Effect of Municipal Election Structure on Black Representation in Eight Southern States," (with B. Grofman) in Davidson and Grofman (eds.), Quiet Revolution in the South (1994), 301-34.
- "The Voting Rights Act and the Second Reconstruction" (with B. Grofman) in Davidson and Grofman (eds.), Quiet Revolution in the South (1994), 378-87.
- "African Americans and Politics," The New Handbook of Texas (1996). Vol. 1, 51-55.
- "Voting Rights Act of 1965 and its Amendments," in Leonard W. Levy and Kenneth L. Karst, eds. Supplement II, Encyclopedia of the American Constitution, 2d. ed. (2000) 2813-14.
- "Race and Voting," in Leonard W. Levy and Kenneth L. Karst, eds., Supplement II, Encyclopedia of the American Constitution, 2d. ed. (2000) 2093-94.
- "White Gerrymandering of Black Voters: A Response to Professor Everett," North Carolina Law Review 79 (2001), 1333-43.

Work in Preparation:

Report commissioned by the Lawyers Committee for Civil Rights Under Law (Washington, D.C.) on the status of minority voting rights since the last extension of the non-permanent features of the Voting Rights Act.

II. Intended Primarily for a General Audience

Articles:

- "The Oil Patch," Harper's (August, 1964), 41-46.
- "Our 'Dirty War' in Vietnam," The Nation (November 2, 1964), 299-303.
- "A Case for Busing," The Texas Observer (July 16, 1971), 12-14.
- "Stalking the White Working Class," Dissent (Fall, 1972), 595-601.
- "Reply to Professor Lipset," Dissent (Winter, 1973), 128.
- "Wonder Bread and Hog Jowls: New Politics in the Old South," Dissent (September 29, 1974), 269-72.
- "The Texans' and Other Myths," The Texas Observer (June 18, 1976), 3-5.

- "The Culture of Shiftlessness," Dissent (Fall, 1976), 349-56.
- "A Night of Violence," The Texas Observer (September 9, 1977), 19-21.
- "Women and Minorities at Large," Houston Breakthrough (October, 1977), 1, 31.
- "Interview with Billie Carr," Houston Breakthrough (April, 1978), 1.
- "The Privileged Ones," The Texas Observer (June 9, 1978) 16-19.
- "Of That Time, of This Place," The Texas Observer (Twenty-Fifth Anniversary Edition) (December 28, 1979), 60-73.
- "In Texas, Electoral Changes," New York Times, Op-Ed Essay, (February 23, 1980).
- "A Painfully Narrow Set of Options," The Texas Observer (October 17, 1980), 3-14.
- "Beware No-pass, No-Play Red Herrings," Houston Post, Op-Ed Essay (June 3, 1985), B3.
- "Numbers Behind the Numbers in Black Progress," Houston Post, Op-Ed Essay (March 14, 1987), B3.
- "Texas judges can be elected without diluting ethnic vote," Houston Post, Op-Ed Essay (December 3, 1989), C3.
- "Lack of knowledge may top list of reasons babies are dying here," Houston Post (September 15, 1991), C-3 (with Victoria Soto).
- "The Color Line Reconsidered" (review essay of three books: Arthur Ashe, Days of Grace; John Hope Franklin, The Color Line; and Cornel West, Race Matters), The Texas Observer, (September 17, 1993), pp. 18-19.
- "Affirmative Action in Undergraduate Admissions: The Experience at Rice," Reconstruction 2 (1994), 45-54.
- "Voting Rights and the Second Reconstruction: the Rocky Road to the Present . . . and Beyond." Southern Changes, 16 (Winter 1994), 4-7.
- "Affirmative Action in Undergraduate Admissions: The Experience at Rice," Sallyport: The Magazine of Rice University, 52 (Winter 1996), 18-25.
- "Minority Representation in Congress: Reply to Professor Swain" (with Bernard Grofman), Chronicle of Higher Education (November 8, 1996).
- "Vouchers Only Serve to Balkanize Schools," Houston Chronicle Op-Ed Essay (April 21, 1999)

SELECTED PROFESSIONAL ACTIVITIES:

- "An Introduction to Sociology," ten-week seminar for resident psychiatrists, The University of Texas Medical Branch, Galveston, 1971.
- Invited response to two papers, Southern Historical Association annual meeting, Atlanta, 1974.
- "Roundtable on Peace Education: Regional Experiences and Resources," Southwestern Social Science Association annual meeting, San Antonio, 1975.
- "The Culture of Poverty and the Culture of Wealth," paper, Southwestern Social Science Association annual meeting, Dallas, 1976.

- Charter member, Board of Directors, Houston Metropolitan Research Center, Houston Public Library, 1977.
- "The Influence of Money on Elections: The Texas Case," jointly authored paper, Southwestern Social Science Association annual meetings, Dallas, 1977.
- "The Struggle for Control of the Democratic Party in Texas," paper, Eastern Sociological Association annual meeting, New York City, 1976.
- "The Mobilization of Bias in Houston City Politics," co-authored paper, Southwestern Social Science Association annual meeting, Houston, 1978.
- "The Political Economy of Contemporary Public Policy," Symposium participant, Department of Government, The University of Texas at Austin, 1978.
- Invited response to two papers, Southern Historical Association annual meeting, Atlanta, 1979.
- "Increasing Opportunities for Political Participation," invited panelist, Texas Advisory Committee to the U.S. Commission on Civil Rights, San Antonio, 1979.
- "A Model of Contemporary Houston Politics," paper, Social Sciences Faculty, Houston Community College, 1980.
- "At-Large Elections and Minority-Group Representation," co-authored paper, Texas Southern University Conference on Afro-American Studies, Houston, 1981.
- "At-Large Election Systems and the Dilution of the Black Vote: Historians as Expert Witnesses," panelist, Social Science History Association annual meeting, Nashville, 1981.
- "Minority Politics and Political Cultures," panelist, Southwestern Social Science Association annual meeting, San Antonio, 1982.
- "Continuity and Change in a Sunbelt City: Perspectives on Houston and Survey Research in the 1980s," panel chair, Southeastern Sociological Association Annual Meetings, Houston, 1983.
- "The Social Scientist as Expert Witness," panelist, Southwestern Political Science Association annual meetings, Houston, 1983.
- "Minority Vote Dilution," panel chair, Southern Political Science Association Annual Meeting, Birmingham, 1983.
- "Power, Influence, and Public Policy in Houston," panelist, Southwestern Political Science Association annual meeting, Houston, 1985.
- "Nonpartisan Slating Groups and Minority Representation," paper, American Political Science Association annual meeting, New Orleans, 1985.
- "Partisans in Sheep's Clothing: The Ambiguous Legacy of Municipal Reform," Rice University Provost's Lecture Series, 1985.
- "The Impact of the Voting Rights Act of 1965," co-organizer (with Bernard Grofman) planning conference, Rice University, 1988.
- "Municipal and Special District Elections," panelist, Southwestern Political Science Association annual meetings, 1988.

- "V. O. Key's Vision of Texas Politics," presentation , symposium on "The World of Texas Politics," sponsored by The Houston Post and the LBJ School of Public Affairs, Houston, 1988.
- "Texas Politics," invited panelist, Lee College Symposium on "Texas Politics in Transition," Baytown, 1988
- "Race and Class in Texas Politics," paper, Conference on Social Class, University of Kansas, 1989.
- "Race and Class in Texas Politics," paper, American Sociological Association, San Francisco, 1989.
- "The Impact of the Voting Rights Act," panel chair, American Political Science Association, Atlanta, 1989.
- "The Voting and Campaign Process," panel moderator, Symposium on Democracy in the 1990s: Voting in the United States, Lyndon Baines Johnson School of Public Affairs, Austin, 1990.
- "The Voting Rights Act and the Transformation of Urban Politics," panel chair, Western Political Science Association, Seattle, March 1991.
- "What is Election Discrimination? Argument and Proof in Voting Rights Cases," panelist, American Association of Black Political Scientists annual meeting, Houston, March 1992.
- "Recent Controversies over The Voting Rights Act," invited lecture, Seminar on Voting Rights, University of San Francisco School of Law, San Francisco, March 1992.
- "1990s Redistricting," panelist, Western Political Science Association annual meeting, San Francisco, March 1992.
- "Regulating the Electoral Process," invited panelist, Texas Law Review Symposium, University of Texas Law School, Austin, Texas, 1992.
- "The Impact of the Voting Rights Act in the South: The First Twenty-five Years," invited panelist, Southern Regional Council Voting Rights Conference, Atlanta, 1993.
- "Voting Rights After Shaw v. Reno," invited panelist, American Political Science Association annual meeting, New York City, 1994.
- "Response to Gary Orfield," invited panelist on "Educational Policy," Conference on the Impact of the Civil Rights Act of 1964, National Judicial Center, Washington, D.C., 1994.
- "Diversity and Democracy: Creating the Common Good," invited paper, 75th Anniversary of the Southern Regional Council, Atlanta, 1994.
- "The Voting Rights Act: The Accomplishments." Panel moderator, Conference on the Voting Rights Act, Thurgood Marshall School of Law, Texas Southern University, 1995.
- "Voting Rights in the Wake of Recent Supreme Court Decisions," panel moderator, American Political Science Association annual meeting, Chicago, 1995.
- "The Media and the Quiet Revolution: Public Opinion and Voting Rights," invited paper, Conference on "The Voting Rights After Thirty Years," co-sponsored

- by the Southern Regional Council and the Lawyers Committee for Civil Rights Under Law, New Orleans, 1995.
- "Mechanisms of Ethnic/Racial Conflict Resolution," invited panelist, "E Pluribus Unum" conference, Stanford University, 1996.
- "Tenth Anniversary Roundtable on Voting Rights Issues," invited panelist, The Citadel Symposium on Southern Politics, Charleston, March 7-8, 1996.
- "The Rise of Racial Gerrymandering in Texas," invited public lecture, Lamar University, Beaumont, March 25, 1997.
- "Contemporary Districting Challenges and Opportunities," invited panelist, conference on "Geographic Information Systems and Political Redistricting," National Center for Geographic Information and Analysis, SUNY at Buffalo, Oct. 26, 1997.
- "Perspectives on the 2000 Redistricting," invited panelist, Joint Center for Political and Economic Studies, Washington, D.C. , July 9, 1998.
- "Author Meets Critics," invited panelist responding to Morgan Kousser's Color Blind Injustice, Southern Sociological Society, Nashville, April 9, 1999.
- "Race and Redistricting," invited paper, Conference on "African Americans: Research and Policy Perspectives at the Turn of the Century," Stanford University, November 11-13, 1999.
- "And Then You Are Sued: Examining the Role of the U.S. Department of Justice and the Federal Courts in the Fifth Wave of Redistricting Since the Passage of the Voting Rights Act," invited chair, Conference on "Power Shift: Redrawing America's Political Boundaries After the 2000 Elections and Census," University of Houston Center for Public Policy, December 8, 2000.
- "White Gerrymandering of Black Voters: A Response to Professor Everett," invited paper, "Democracy in a New America: A Symposium," sponsored by the University of North Carolina Law Review, Chapel Hill, February 2001.
- "Urban Disfranchisement," invited organizer and chair, plenary session of American Sociological Association annual meeting, Anaheim, California, August 20, 2001.
- "Author Meets Critics: S.M. Lipset and Gary Marks's Why There is No Socialism in the United States," organizer of panel, American Sociological Association annual meeting, Anaheim, California, August 18-21, 2001.
- Invited participant, "The Future of the Voting Rights Act," a conference at Columbia University, September 20-21, 2003.
- Invited participant, "Protecting Democracy: Defining the Research Agenda for the 2007 Voting Rights Act Reauthorization," Harvard Civil Rights Project, Harvard University, May 9-12, 2004.
- Invited participant, "Protecting Our Voices: The Significance of the Voting Rights Act," June 17-18, 2004, Washington, D.C. (sponsored by the Mexican American Legal Defense Fund, the Lawyers Committee for Civil Rights Under Law, and the NAACP Legal Defense Fund.)

Invited participant, "One Nation with Many Voices," conference on the Voting Rights Act and minority language provisions, Arizona State University, Phoenix, April 6, 2005.

Invited panelist, "Lessons From the Past, Prospects for the Future: Honoring the 40th Anniversary of the Voting Rights Act of 1965," Yale University, April 21-23, 2005.

Invited panelist, "Past and Prologue," National Conference Commemorating the 40th Anniversary of the Voting Rights Act of 1965" (Sponsored by the Lawyers Committee for Civil Rights, LDF, MALDEF, ACLU, and Native American Rights Fund), July 25-26, 2005, Washington, D.C.

CONSULTING:

- 1971 Sparks v. Griffin, U.S. District Court, Marshall, Texas. Expert witness for plaintiffs, black school teachers who were fired when Upshur Independent School District was required to desegregate.
- 1973-74 USA v. Griggs, U.S. District Court, Gainesville, Florida. Consultant to defendants in their efforts to demonstrate that the jury selection procedure in Florida was unfair.
- 1973-74 Sabala v. Western Gillette, Inc. and Ramirez v. Western Gillette, Inc., U.S. District Court, Houston, Texas (Case Nos. 71-H-961 and 71-H-1336). Consultant to plaintiffs in class-action employment discrimination suit.
- 1975-76 Greater Houston Civic Council v. Mann, U.S. District Court, Houston (Case No. 73-H-1650). Expert witness for plaintiffs, who alleged minority vote dilution as a result of the City of Houston's at-large election system.
- 1978 Three-judge panel, U.S. District Court, Houston. Expert witness for plaintiffs-intervenors attempting to enjoin the City of Houston from holding elections until it complied with Section 5 pre-clearance requirements of the Voting Rights Act.
- 1979-80 Whitfield v. City of Taylor, Texas U.S. District Court, Austin, Texas (Case No. A-79-CA-0015). Consultant to plaintiffs, who alleged unconstitutional dilution of their vote.
- 1979-83 Jones v. City of Lubbock, Texas, U.S. Court of Appeals, Fifth Circuit, Unit A (No. 79-2744). Consultant and expert witness for plaintiffs-appellants, who alleged unconstitutional dilution of their votes.

014847

- 1979-86 Velasquez v. City of Abilene, Texas, U.S. District Court, Abilene (Case No. CA-1-80-57). Consultant and expert witness for plaintiffs, who alleged unconstitutional dilution of their votes.
- 1980 City of Port Arthur, Texas v. United States of America, U.S. District Court for the District of Columbia (Case No. 80-064P). Expert witness for USA, who contended that a consolidation election by the city illegally diluted the votes of minorities under the Voting Rights Act.
- 1980-81 Oxford Place Welfare Rights Organization v. Jerome Chapman, U.S. District Court, Houston (Case No. 79-H-1283). Consultant to plaintiffs, welfare recipients who alleged that long delays in receipt of their welfare payments were unconstitutional.
- 1981 At the request of the Legal Aid Society of Central Texas, analyzed voting data for the City of Austin, Texas, relevant to a preclearance submission the city made to the Justice Department under the Voting Rights Act.
- 1981 Brown v. Board of School Commissioners of Mobile County, U.S. District Court, Mobile, Alabama (Case No. CV-75-298-P). Expert witness for USA, intervenors in the rehearing of a vote-dilution suit, remanded by the Supreme Court.
- 1981 Bolden v. City of Mobile, U.S. District Court, Mobile, Alabama (Case No. 75-297-P). Expert witness for plaintiffs in the rehearing of a vote-dilution case, remanded by the Supreme Court.
- 1981 Walton v. Henson, U.S. District Court, Paris, Texas (Case No. P-80-39-CA). Expert witness for plaintiffs, who alleged unconstitutional dilution of their votes.
- 1981 Seaman v. Upham. Three-judge panel, U.S. District Court, Austin, Texas (Case No. P-81-49-CA). Expert witness for plaintiffs, who alleged unconstitutional dilution of their votes.
- 1982 Texas v. Martin, 104th District Court of Taylor County, Texas. Consultant to defendant, Dee Dee Martin, indicted on capital murder charges, who claimed the jury selection system discriminated against blacks.
- 1982 Harris v. City of Hopewell, Virginia, U.S. District Court, Richmond, Virginia (Case No. 82-0036-R). Consultant to plaintiffs, who claimed unconstitutional dilution of their votes.

- 1983-84 Kirksey v. Danks, Mayor of Jackson, Mississippi, U.S. District Court, Jackson (Civil Action No. J83-0077-C). Expert witness for plaintiffs, who claimed dilution of their votes under Section 2 of the Voting Rights Act.
- 1985 Sumbry v. Russell County, Alabama. Consultant to plaintiffs, who claimed dilution of their voting strength under Section 2 of the Voting Rights Act.
- 1985 Lee County Branch of the NAACP v. City of Opelika, Alabama, (Case No. 83-7275). Consultant to plaintiffs, who claimed dilution of their voting strength under Section 2 of the Voting Rights Act.
- 1985 Tallahassee NAACP v. Leon County, Florida. Consultant to plaintiffs alleging dilution of their votes in county commission elections.
- 1985 Harris v. Graddick, U.S. District Court, Birmingham (C.A. No. 84-T-595-N). Expert witness for plaintiffs alleging that the state of Alabama employed a system for appointing poll officials that denied blacks equal access to the political process.
- 1985-86 LULAC v. Midland Independent School District, U.S. District Court, Midland, Texas (MO-85-CA-001). Expert witness for plaintiffs alleging vote dilution.
- 1985-86 United States of America v. Dallas County (Alabama) Commission, U.S. District Court, Selma (C.A. No. 78-578-H). Expert witness for U.S.A. in case alleging the dilution of minority votes in Dallas County.
- 1986-87 Martin v. Allain, Governor of Mississippi, U.S. District Court, Jackson (C.A. No. J84-0708 (W)) Expert witness for plaintiffs alleging vote dilution.
- 1985-87 McNeil v. City of Springfield, U.S. District Court, Springfield, Ill. (C.A. No. 85-2365). Expert witness for plaintiffs alleging minority vote dilution.
- 1987 Martin v. Allain (see above) consolidated with Kirksey v. Allain, U.S. District Court, Jackson (C.A. No. J85-0960 (W)). Expert witness for plaintiffs.
- 1987 Metropolitan Pittsburgh Crusade for Votes v. City of Pittsburgh (C.A. No. 86-173). Consultant to plaintiffs alleging vote dilution.
- 1988-89 Badillo v. City of Stockton, California (C.A. No. 87-1726 U.S. District Court, Eastern District of California). Consultant to plaintiffs alleging vote dilution.
- 1988-89 Russell Yarbrough v. City of Birmingham, Alabama (C.A. No. CV87-PT-1947-S). Consultant to defendants, a racially-mixed city council elected at large in a system white plaintiffs claimed diluted their votes.

- 1988-89 League of United Latin American Citizens (LULAC) v. Clements, U.S. District Court, Western District of Texas (No. 88-CA-154) Consultant to plaintiffs alleging vote dilution in multi-member district state judicial elections.
- 1994 Vera v. Richards, U.S. District Court, Southern District of Texas (C.A. No. H-94-0227). Expert for State of Texas, which was alleged to have violated the U.S. Constitution in creating majority-minority districts in the 1990s round of congressional redistricting.
- 2004 Center for Voting Rights and Protection, Inc.. Washington, D.C. Director of research on ballot security programs as instruments of minority vote suppression.
- 2004- Lawyers Committee for Civil Rights Under Law, Washington, D.C. Director of research on the status of minority voting rights in the U.S.; member, National Commission on the Voting Rights Act.

REFERENCES

Bernard Grofman

Professor of Political Science and
Adjunct Professor of Economics
School of Social Sciences
University of California, Irvine
3151 Social Science Plaza
Irvine CA 92697-5100
949-824-6394
FAX: 949-824-8762
Past President, Public Choice Society
Fellow, American Academy of Arts and Sciences

Lani Guinier

Bennett Boskey Professor of Law
Harvard Law School
lguinier@law.harvard.edu

J. Gerald Hebert

5019 Waple Lane
Alexandria, VA 22304
703-628-4673
703-567-5876 (fax)

Samuel Issacharoff

Harold R. Medina Professor in Procedural Jurisprudence
Columbia Law School
212-854-2527
212-854-7946 (fax)

Pamela S. Karlan
Kenneth and Harle Montgomery Professor of Public Interest Law
Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305-8610
650-725-4851

Peyton McCrary, Ph.D.
U.S. Department of Justice
Civil Rights Division: Voting Section
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
202-307-6263

CRAIG DONSANTO MEETING
CRIMINAL DIVISION, PUBLIC INTEGRITY SECTION, US DEPARTMENT OF
JUSTICE

January 13, 2006

Tova Wang's notes

Other contacts:

Cynthia Mitchell, 202-305-4932

Noel Hillman, Chief of Division

We will be receiving by mail the new handbook, the draft mail fraud legislation and the Ballot Access and Voting Integrity Symposia training materials

I. Process and Structure:

- Mr. Donsanto must approve all investigations that go beyond a preliminary stage, all charges, search warrant applications and subpoenas. If a charge seems political, he will reject it. If there is still a dispute, it may be reviewed by the assistant attorney general. Often the department will not bring a case, but will rather refer it to a different law enforcement agency or the voting section.
- Often, a defendant who gets a target letter will ask for a departmental hearing. The defendant's case will be heard by Mr. Donsanto and Ms. Hillman. On occasion, the assistant attorney general will review the case. The department grants such hearings easily because such defendants are likely to provide information about others involved.
- The Department has held four symposia for DEOs and FBI agents since the initiation of the Ballot Access and Voting Integrity Initiative. In 2003, civil rights leaders were invited to make speeches, but were not permitted to take part in the rest of the symposium. All other symposia have been closed to the public. (Peg will be sending us the complete training materials used at those sessions. These are confidential and are the subject of FOIA litigation).
- There are two types of attorneys in the division
 - Prosecutors, who take on cases when the jurisdiction of the section requires it; the US Attorney has recused him or herself; or when the US Attorney is unable to handle the case (most frequent reason)
 - Braintrust attorneys

II. Cases:

Mr. Donsanto provided us with three case lists:

- Open cases (still being investigated) as of January 13, 2006 – confidential
- Election fraud prosecutions and convictions as a result of the Ballot Access and Voting Integrity Initiative October 2002-January 13, 2006
- Cases closed for lack of evidence as of January 13, 2006

014852

If we want more documents related to any case, we must get those documents from the states. The department will not release them to us.

Although the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate complaints of fraud, *the number of cases that the department is investigating and the number of indictments the department is pursuing are both up dramatically.* {Future query: Is this similarly true in the voting section?}

Since 2002, the department has brought more cases against “alien voters,” felon voters, and double voters than ever before. Previously, cases were only brought when there was a pattern or scheme to corrupt the process. Charges were not brought against individuals – those cases went un-prosecuted.

This change in direction, focus, and level of aggression was by the decision of the Attorney General. The reason for the change was for deterrence purposes.

The department is currently undertaking three pilot projects to determine what works in developing the cases and obtaining convictions; what works with juries in such matters to gain convictions:

1. Felon voters in Milwaukee
2. Alien voters in the Southern District of Florida
 - a. FYI – under 18 USC 611, to prosecute for “alien voting” there is no intent requirement. Conviction can lead to deportation. Nonetheless, the department feels compelled to look at mitigating factors such as was the alien told it was OK to vote, does the alien have a spouse that is a citizen.
3. Double voters in a variety of jurisdictions

The department does not maintain records of the complaints that come in from DEOs, U.S attorneys and others during the election that are not pursued by the department. Mr. Donsanto asserted that U.S. attorneys never initiate frivolous investigations.

III. Process for Making Prosecution Decisions:

Mere suspicion of a crime is insufficient. The division needs enough evidence to suggest a crime to go forward. Much depends on the type of matter and the source. Mr. Donsanto said he “knows it when he sees it.” They will only indict if they are confident of a conviction assuming the worst case scenario – a jury trial.

Political considerations, such as whether the state has a one party system or the party in power controls the means of prosecution and suppresses minority complaints are factors in the decision. Before, the department would leave it to the states. Now, if there is racial animus involved in the case, there is political bias involved, or the prosecutor is not impartial, the department will take it over.

Racial animus is an “aggravating factor” that would lead the department to be more likely to take over the case. This is also because in such a case there is likely to be more federal law involved.

According to the new handbook, the department can take on a case whenever there is a federal candidate on the ballot

IV. Recommendations for Improvements

- Since most fraud takes place in local elections, it needs to be easier to assert federal jurisdiction in non-federal elections. It is preferable for the federal government to pursue these cases for the following reasons:
 - It draws from a bigger and more diverse jury pool
 - The Feds are politically detached
 - Local district attorneys are hamstrung by the need to be re-elected
 - The Feds have more resources – local prosecutors need to focus on personal and property crimes, fraud cases are too big and too complex for them
 - The Feds can use the grand jury process as a discovery technique and to test the strength of the case

In *U.S. v. McNally*, the court ruled that the mail fraud statute does not apply to election fraud. It was through the mail fraud statute that the department had routinely gotten federal jurisdiction over election fraud cases. 18 USC 1346, the congressional effort to “fix” the decision in the McNally case, did not include voter fraud.

As a result, the department needs a new federal law that allows federal prosecution whenever a federal instrumentality is used, e.g. the mail, federal funding, interstate commerce. The department has drafted such legislation, which was introduced but not passed in the early 1990s.

LORRAINE CAROL MINNITE

Department of Political Science
Barnard College, Columbia University
3009 Broadway, New York, New York 10027
lcm25@columbia.edu
Tel. 212-854-4385

EDUCATION

The Graduate School and University Center of the City University of New York

Ph.D. in Political Science, 2000

Dissertation: "Identity, Voting Rights and the Remapping of Political Representation in New York City"

Honors: Distinction

M.Phil. in Political Science, 1994

Major field: American Politics

Minor field: Public Policy

M.A. in Political Science, 1992

Master's Thesis: "The Ecology of the Underclass: William Julius Wilson and the Chicago School"

Boston University, College of Liberal Arts

B.A. in History, 1983

Area of Concentration: American Civilization

Honors: Cum Laude

ACADEMIC EXPERIENCE

Assistant Professor

Barnard College, Columbia University, January 2000 to present.

Teach undergraduate courses in American politics and urban studies.

Associate Director

The Center for Urban Research and Policy, Columbia University, December 1993 to 2000.

Responsible for the day-to-day management of the Center; wrote grant proposals and helped secure funding from government and private sources for all activities totaling nearly \$2,000,000.

Instructor and Research Associate

Metropolitan Studies Department, New York University, Spring 1991.

Designed and taught a core course for undergraduates on the political and economic development of post-war American cities.

Assistant Program Director

Borough of Manhattan Community College, City University of New York, 1987 to 1990.

Assisted the Director in all administrative aspects of the BMCC Summer Immersion Program, a non-traditional, intensive, remedial education program.

Research Assistant and Data Analyst

CUNY Data Service, The Graduate School, City University of New York, 1987 to 1991.

Programmed and analyzed large data sets from the 1980 STF and PUMS (microdata) Census files, and the New York City Housing and Vacancy Surveys.

Research Assistant

Department of Political Science, The Graduate School, City University of New York, 1985 to 1987.

014855

OTHER EMPLOYMENT

Issues Director

The Committee for David N. Dinkins, II, New York City, 1991 to 1993.

Conducted research for Mayor David N. Dinkins' campaign committee on a wide range of public policy issues and problems facing New York City.

Campaign Manager

McCabe for City Council, Brooklyn, New York, 1991.

Organized and administered the successful campaign for the Democratic Party nomination and the New York City Council seat in the 38th Council District.

Union Organizer

District 65/UAW, (AFL-CIO), Northeast Regional Office, Boston, Massachusetts, 1984 to 1985, Summer 1986.

Participated in the planning and implementation of a union organizing campaign; served as editor of union local's newsletter; assisted negotiating committee in contract negotiations.

ACADEMIC AND PROFESSIONAL HONORS

Faculty Fellow, Institute for Social and Economic Research and Policy, Columbia University, 2002-to present

Member, Working Group on New York's Recovery from 9-11, Russell Sage Foundation, 2002 to 2005

Curriculum Development Award, Barnard Project on Diaspora and Migration, 2000

CUNY Graduate School Dissertation Year Fellowship, 1996-1997

CUNY Graduate Assistantship, 1987-1991

Boston University Student Scholarship, 1979-1983 (Dean's List)

PROFESSIONAL AFFILIATIONS

American Political Science Association

American Sociological Association

Law and Society Association

Urban Affairs Association

COURSES

Taught at Barnard College

American Urban Politics

Contemporary Urban Problems and Solutions

Dynamics of American Politics

Independent Study in American Politics

Political Participation and Democracy

Senior Research Seminar in American Politics

Urban Myths and the American City

Taught at New York University

The Crisis of the Modern American City

Graduate Committees

Examiner, CUNY Graduate Center Ph.D. Program in Political Science, Dissertation Committee, Antoinette Pole, April 2005.

Examiner, Columbia University Ph.D. Program in Political Science, Dissertation Committee, David Park, December 2003

Examiner, CUNY Graduate Center Ph.D. Program in Political Science, Oral Doctoral Exam, John Flateau, December 2000.

Examiner, Columbia University Ph.D. Program in Political Science, Dissertation Committee, Natasha Hritzuk, May 2000

PUBLICATIONS

Journal Articles

"Model Assumptions, and Model Checking in Ecological Regressions," *Journal of the Royal Statistical Society* 164, Part 1 (2001): 101-118; co-authored with Andrew Gelman, David K. Park, Stephen Ansolabehere, and Phillip N. Price.

Book Chapters

"Outside the Circle: The Impact of Post-9/11 Responses on the Immigrant Communities of New York City," in John H. Mollenkopf, ed., *The Politics of the 9/11 Recovery Effort in New York City*, New York: Russell Sage Foundation, *forthcoming*.

"Between Anglo and Black: Asian and Latina/o Political Participation in New York City," in William E. Nelson and Jessica Perez-Monforti, eds., *Black and Latino/a Political Development in the United States*, Miami: Barnhardt and Ash, *in press*; co-authored with John Mollenkopf.

"Environmental Risk and Childhood Disease in an Urban Working Class Caribbean Neighborhood," in Barbara Deutsch Lynch and Sherrie L. Bayer, eds., *Caribbean Environmental Issues: Beyond Sun and Sand*, New Brunswick, NJ: Rutgers University Press, *in press*; co-authored with Immanuel Ness.

"The Changing Arab New York Community," in Kathleen Benson and Philip M. Kayal, eds., *A Community of Many Worlds: Arab Americans in New York City*, Syracuse: Syracuse University Press, 2002; co-authored with Louis Abdellatif Cristillo.

"Social Capital, Political Participation and the Urban Community," in Susan Saegert, J. Phillip Thompson, and Mark Warren, eds., *Social Capital and Poor Communities*, New York: Russell Sage Foundation, 2001; co-authored with Ester R. Fuchs and Robert Y. Shapiro.

"The Political Incorporation of Immigrants in New York," in *In Defense of the Alien: Proceedings of the 23rd Annual National Legal Conference on Immigration and Refugee Policy*, New York: Center for Migration Studies, 2001; co-authored with Jennifer Holdaway and Ronald Hayduk.

"The Working Families Party," in Immanuel Ness, ed. *The Encyclopedia of American Third Parties*, Armonk, New York: M.E. Sharpe, Inc., 2000.

"Patterns of Neighborhood Change," in John H. Mollenkopf and Manuel Castells, eds., *Dual City: Restructuring New York*, New York: Russell Sage, 1991; co-authored with Frank F. DeGiovanni.

Book Reviews

Governing From Below: Urban Regions and the Global Economy by Jefferey M. Sellers, Cambridge University Press, 2002, in *Political Science Quarterly* Vol. 118, No. 4 (Winter 2003-2004).

Social Class, Politics, and Urban Markets: The Makings of Bias in Policy Outcomes by Herman L. Boschken, Stanford, CA: Stanford University Press, 2002, in *The International Journal of Urban and Regional Research*, Vol. 27, No. 4 (December 2003).

The Miami Fiscal Crisis: Can a Poor City Regain Prosperity? by Milan J. Dluhy and Howard A. Frank, Westport, Connecticut: Praeger Publishers, 2002, in *Political Science Quarterly* Vol. 117, No. 4 (Winter 2002-2003).

Research Reports

Securing the Vote: An Analysis of Election Fraud, New York: Demos, A Network for Ideas and Action, 2003; co-authored with David Callahan.

Journalism

"Albany's Making Bad Elections Worse," *New York Daily News*, New York, August 22, 2004.

UNPUBLISHED PAPERS, PRESENTATIONS AND REPORTS

Conference Participation, Papers and Presentations

"Immigrant Politics in an Age of Terror," paper presented at the 101st Annual Meeting of the American Political Science Association, Washington, D.C., September 1 – September 4, 2005.

Panel Discussant, "Immigrants As Local Political Actors," 100th Annual Meeting of the American Political Science Association, Chicago, September 1–4, 2004.

Invited Lecturer, "Literature of Immigration," New Jersey Council for the Humanities Teacher Institute, Monmouth University, Long Branch, New Jersey, August 5, 2004.

"The Impact of 9/11 on Immigrant Politics in New York, With a Focus on Arab, Muslim, and South Asian Immigrant Communities," Columbia University Seminar on the City, New York City, March 23, 2004.

Invited Participant, "The Impact of Post-9/11 Immigration and Law Enforcement Policies," The Century Foundation, New York City, February 4, 2004.

Workshop Participant, Multi-race Study Group, *Harvard CAPS Workshop on Methodologies to Study Immigrant Political Incorporation*, Harvard University, Cambridge, October 30-31, 2003.

Invited Lecturer, "Literature of Immigration," New Jersey Council for the Humanities Teacher Institute, Monmouth University, Long Branch, New Jersey, July 10, 2003.

Panelist, "Rebuilding Post-War Iraq: Domestic and International Implications;" Community Forum, Barnard College, New York City, April 21, 2003.

"Political Participation and the Neglected Role of Spatial Form;" paper presented at the 33rd Annual Meeting of the Urban Affairs Association, Cleveland, Ohio, March 27-30, 2003.

Invited Speaker, "Teach-In on Iraq;" Barnard College, New York City, November 8, 2002.

Panelist, "Colloquium on Responding to Violence," in honor of Virginia C. Gildersleeve Lecturer, Jody Williams, Barnard Center for Research on Women, Barnard College, New York City, October 25, 2002.

Panel Moderator, "Who is Brooklyn?" at *The Future of Brooklyn* Conference, Brooklyn College, June 7, 2002.

"Asian and Latino Participation in New York City: The 2000 Presidential Election," co-authored with John H. Mollenkopf; paper presented at the 97th Annual Meeting of the American Political Science Association, San Francisco, August 29 – September 2, 2001.

Organizer and Panelist, *The Changing Face of New York's Electorate: The Immigrant Vote in 2000 and Beyond*, A Panel Discussion and Media Briefing sponsored by the New York Immigration Coalition and Barnard College, New York City, May 2, 2001.

Organizer and Panelist, *The Muslim Communities in New York City Project; A One-Day Conference*, sponsored by the Center for Urban Research and Policy and the Middle East Institute at the School of International and Public Affairs, Columbia University, New York City, April 30, 2001.

Panelist, *Democratizing New York City; Reimagining City Government*, sponsored by the Center for Humanities, CUNY Graduate Center, New York City, March 27, 2001.

Organizer and Panel Moderator, *Independent Politics in A Global World*, sponsored by the Independent Politics Group, CUNY Graduate Center, New York City, October 6-7, 2000.

"Political Capital and Political Participation," co-authored with Ester R. Fuchs and Robert Y. Shapiro; paper presented at the 96th Annual Meeting of the American Political Science Association, Washington, D.C., August 31 – September 3, 2000.

"The Political Participation of Immigrants in New York," at *Immigrant Political Participation in New York City: A One-Day Working Conference*, sponsored by the Center for Urban Research/CUNY and the International Center for Migration, Ethnicity, and Citizenship, New York City, June 16, 2000

"The Muslim Community in New York City Project," with Louis Abdellatif Cristillo; *Muslims in New York: An Educational Program for Religious Leaders in New York City*, seminar on faith traditions in New York; sponsored by the Interfaith Center of New York and the Imans Council of New York, New York City, June 14, 2000.

"The Political Participation of Immigrants in New York," Session VI on "Integration of Immigrants and Their Descendants," Center for Migration Studies 23rd Annual National Legal Conference on Immigration and Refugee Policy, Washington, D.C., March 30-31, 2000.

"The Changing Arab New York Community," with Louis Abdellatif Cristillo; *A Community of Many Worlds: Arab Americans in New York City*, symposium sponsored by the Museum of the City of New York, New York City, February 5-6, 2000.

"Model Assumptions, and Model Checking in Ecological Regressions," co-authored with Andrew Gelman, Stephen Ansolabehere, Phillip N. Price and David K. Park; paper presented at the Royal Statistical Society conference on the Analysis and Interpretation of Disease Clusters and Ecological Studies, London, December 16-17, 1999.

"The Political Incorporation of Immigrants in New York," co-authored with Jennifer Holdaway and Ronald Hayduk; paper presented at the 95th Annual Meeting of the American Political Science Association, Atlanta, September 1-4, 1999.

"Political Capital and Political Participation," co-authored with Ester R. Fuchs and Robert Y. Shapiro; paper presented at the 58th Annual Meeting of the Midwest Political Science Association, Chicago, April 15-17, 1999.

"Racial and Ethnic and Urban/Suburban Differences in Public Opinion and Policy Priorities," co-authored with Ester R. Fuchs, Robert Y. Shapiro, and Gustavo Cano; paper presented at the 58th Annual Meeting of the Midwest Political Science Association, Chicago, April 15-17, 1999.

"The Importance of Full Disclosure of Nonresponse Due to Refusals and the Nature of Potential Bias in Phone Surveys," with Robert Y. Shapiro, evening workshop presentation to the New York City chapter of the American Association for Public Opinion Research, New York City, March 9, 1999.

"White, Black and Latino Voter Turnout in the 1993 New York City Mayoral Election: A Comparison of Ecological Regression Techniques and Exit Poll Data," co-authored with David K. Park and Daniel M. Slotwiner; paper presented at the 94th Annual Meeting of the American Political Science Association, Boston, September 4, 1998.

Panel Discussant, "Race, Rights, and American Politics;" panel at the 27th Annual Meeting of the Northeastern Political Science Association and International Studies Association-Northeast, Newark, New Jersey, November 9-11, 1995.

"Assessing the Quality of Political Reform: Redistricting and the Case of New York City," paper presented at the Annual Meeting of the New York State Political Science Association, Albany, New York, April 22, 1994.

Research Reports

The Myth of Voter Fraud, A Report to Demos: A Network for Action and Ideas, May 2002.

Evaluation of the New York Immigration Coalition's '200,000 in 2000: New Americans Pledging to Strengthen Democracy and New York' Initiative, Final Report to the New York Foundation, with John H. Mollenkopf, August 2001.

A Study of Attitudes Among Low-Income Parents Toward Environmental Health Risks and Childhood Disease: The Brooklyn College COPC Survey, with Immanuel Ness, June 2001.

Political Participation and Political Representation in New York City; With a Special Focus on Latino New Yorkers, Report of the Columbia University/Hispanic Education and Legal Fund Opinion Research Project, co-authored with Ester R. Fuchs and Robert Y. Shapiro, December 1997.

RESEARCH GRANTS

Prior Grants

Principal Investigator, "2002 New Americans Exit Poll," December 2002 to March 2003 (\$1,800). Funded by the Faculty Research Fund of Barnard College.

Principal Investigator, "Evaluation of the New York Immigration Coalition's '200,000 in 2000' Campaign," July 2000 to July 2001 (\$40,000). Barnard College, Columbia University. Funded by the New York Foundation.

Co-Principal Investigator, "Muslim Communities in New York City," July 1998 to July 2001 (\$350,000). The Center for Urban Research and Policy, Columbia University. Funded by the Ford Foundation.

Co-Principal Investigator, "New York State and City Public Opinion Research Project," May 1997 to November 1998 (\$100,000). The Center for Urban Research and Policy, Columbia University. Funded by Local 1199, National Health and Human Services Employees Union, AFL-CIO.

Active Grants

Recipient, Special Assistant Professor Leave Travel Grant, September 2003 to September 2005 (\$7,700). Funded by the Provost's Office, Winston Fund, Barnard College.

Recipient, Conference Grant, September 2003 to September 2005 (\$3,000). Funded by the Provost's Office, Forman Fund, Barnard College.

Member, Working Group on New York's Recovery from September 11th, June 2002 to June 2005 (\$30,000). Funded by the Russell Sage Foundation.

SERVICE

College and University

Member, Medalist Committee, Barnard College, 2004-2005.

Member, Columbia University Seminar in Political and Social Thought, 2004 to present.

Faculty Mentor, Francene Rodgers Scholarship Program, Barnard College, Summer 2004.

Panel Moderator, "Governance by the Media: Feminists and the Coming Election," at the Twenty-ninth Annual The Scholar and the Feminist Conference, Barnard College, New York City, April 3, 2004.

Member, Ph.D. Subcommittee in Urban Planning, Columbia University School of Architecture, Planning and Preservation, 2003 to present.

Member, Columbia University Seminar on Globalization, Labor, and Popular Struggles, 2001 to present.

Member, Columbia University Seminar on the City, 2001 to present.

Faculty Mentor, Columbia University Graduate School of Arts and Sciences Summer Research Program, 2001.

Advisory Board Member, Center for Research on Women, 2000 to present.

First Year Adviser, Barnard College, 2000 to 2004.

One-Year Replacement Member, Committee on Programs and Academic Standing, Barnard College, 2000-2001.

Professional

Editorial Board Member, , *Working USA: The Journal of Labor and Society*, 2004 to present.

Manuscript Reviewer, *Working USA: The Journal of Labor and Society*, 2004 to present.

Manuscript Reviewer, *Urban Affairs Review*, 2004.

Manuscript Reviewer, *Political Science Quarterly*, 2004.

Grant Reviewer, Research Award Program, The City University of New York, 2003.

Manuscript Reviewer, *American Political Science Review*, 2001.

Member, New York Colloquium on American Political Development, 2001 to present.

Community

Speaker, "The Immigrant Voter in New York City," New York Voter Assistance Commission, New York City, May 19, 2005.

Speaker, "The Immigrant Voter in New York City," Citizens Union, New York City, May 18, 2005.

Speaker, "The Immigrant Voter in New York City," New York Immigration Coalition, New York City, February 17, 2005.

Speaker, "The Immigrant Voter in New York City," New York City Central Labor Council, New York City, April 28, 2004.

Speaker, "The Post-9/11 Crackdown on Immigrants," Coney Island Avenue Project, Brooklyn, New York, March 25, 2004.

Volunteer, *New York Immigration Coalition*, Voter Registration at INS Naturalization Ceremonies, 1998 to present.

CONSULTANTSHIPS

Brennan Center for Justice at New York University School of Law, 2004-2005.

Provided expert report on voter fraud and testified as a fact witness in *ACORN, et al. v. Bysiewicz* (Civil Action No. 3:04-CV-1624 (MRK)).

Howard Samuels State Management and Policy Center, Graduate School and University Center of CUNY, 2002.

Consulted on survey design for a project on the efficacy of community-based organizations.

Demos, New York, New York, 2001 to 2002.

Researched and wrote a study of voter fraud in contemporary American politics.

1199 Child Care Fund, New York, New York, 2000 to 2002.

Prepare demographic data for Fund-eligible union members and their children.

Brooklyn College, Brooklyn, New York, 1998 to 2000.

Developed survey instrument and devised sampling strategy to measure respondents' knowledge of relationships between indoor and outdoor environmental risks, and childhood disease.

National Association of Social Workers, New York City Chapter, 1998.

Designed survey instrument and analyzed findings of a survey of the organization's membership.

Primary Care Development Corporation, New York, New York, 1997 to 2002.

Developed project maps for this organization, which builds health care clinics in New York City.

Service Employees International Union, AFL-CIO, Washington, D.C., 1997.

Prepared tables for a report from raw data collected for a political opinion survey.

Committee to Elect Sal F. Albanese, New York, New York, 1997.

Wrote economic development position paper and consulted on campaign strategy for Democratic mayoral primary candidate.

1199 National Health and Human Service Employees Union, AFL-CIO, New York, New York, 1996 to 1997.

Advised the Political Action Director on the development of a political action plan for union members; advised on the management of the union's telecommunications center.

New York City Districting Commission, March to June 1991.

Assisted individuals and organizations gain access to Census and electoral data, construct viable plans for new City Council districts, and operate the public access computer provided by the Commission.

(5/05)

© Lorraine C. Minnite

Lorraine C. Minnite

has taught American and urban politics at Barnard College, Columbia University, since January 2000. Prior to that she was the Associate Director of the Center for Urban Research and Policy at Columbia's School of International and Public Affairs. Her research is concerned with issues of equality, social and racial justice, political conflict and institutional change. Dr. Minnite has consulted with various labor, advocacy, and governmental organizations, and political campaigns which relied on her expertise in public policy and demographic patterns in New York City. An experienced survey researcher, she has published on various aspects of political participation, voting behavior and urban politics, among other things. Currently, she is working on a book on the contemporary immigrant rights movement in the U.S.

014862

List of Experts Interviewed

Wade Henderson, Executive Director, Leadership Conference for Civil Rights

Wendy Weiser, Deputy Director, Democracy Program, The Brennan Center

William Groth, attorney for the plaintiffs in the Indiana voter identification litigation

Lori Minnite, Barnard College, Columbia University

Neil Bradley, ACLU Voting Rights Project

Nina Perales, Counsel, Mexican American Legal Defense and Education Fund

Pat Rogers, attorney, New Mexico

Rebecca Vigil-Giron, Secretary of State, New Mexico

Sarah Ball Johnson, Executive Director of the State Board of Elections, Kentucky

Stephen Ansolobhere, Massachusetts Institute of Technology

Chandler Davidson, Rice University

Tracey Campbell, author, *Deliver the Vote*

Douglas Webber, Assistant Attorney General, Indiana, (defendant in the Indiana voter identification litigation)

Heather Dawn Thompson, Director of Government Relations, National Congress of American Indians

Jason Torchinsky, Assistant General Counsel, American Center for Voting Rights

Robin DeJarnette, Executive Director, American Center for Voting Rights

Joseph Rich, former Director of the Voting Section, Civil Rights Division, U.S. Department of Justice

Joseph Sandler, Counsel to the Democratic National Committee

John Ravitz, Executive Director, New York City Board of Elections

John Tanner, Director, Voting Section, Civil Rights Division, U.S. Department of Justice

Kevin Kennedy, Executive Director of the State Board of Elections, Wisconsin

Evelyn Stratton, Justice, Supreme Court of Ohio

Tony Sirvello, Executive Director, International Association of
Clerks, Recorders, Election Officials and Treasurers

Harry Van Sickle, Commissioner of Elections, Pennsylvania

Craig Donsanto, Director, Public Integrity Section, U.S. Department of Justice

Sharon Priest, former Secretary of State, Arkansas

Biographical Sketch

R. Michael Alvarez, Ph.D.
Professor of Political Science
Division of the Humanities and Social Sciences
California Institute of Technology
rma@hss.caltech.edu
<http://www.hss.caltech.edu/rma/home.html>
626-395-4422

R. Michael Alvarez was selected by *Scientific American* magazine to be on the 2004 "Scientific American 50" for his outstanding scientific and technological contributions to help improve the U.S. voting system. He has taught political science at Caltech since December 1992. He received his B.A. in political science in 1986 from Carleton College; he received his M.A. and Ph.D. from Duke University in 1990 and 1992, respectively. Alvarez was named an Associate Professor in April 1995, received tenure in June 1997, and was promoted to Professor in March 2002. Alvarez has focused most of his research and teaching on the study of electoral politics in the United States. His first book, *Information and Elections*, was published in the spring of 1997: This project examined the question of how much American voters know about presidential candidates and how they obtain that information. His second book, *Hard Choices, Easy Answers* (with John Brehm), is a study of American public opinion about divisive social and political issues. His recent book (published January 2004), *Point, Click, and Vote: The Future of Internet Voting* (with Thad E. Hall), published by Brookings Institution Press, examines the controversies swirling around the Internet voting in the United States. He has also published many articles on electoral behavior and public opinion in the United States and other advanced industrial democratic nations.

Alvarez has received a number of honors and grants for his work. He was named the "Emerging Scholar" by the American Political Science Association's Voting Behavior and Public Opinion Section in 2002. He was a John M. Olin Faculty Fellow (1994-95) as well as a John Randolph Haynes and Dora Haynes Faculty Fellow (1994, 1997, 1999, 2002). Alvarez received the Sprague Award with John Brehm for their work on public opinion, and the Durr Award with Jonathan Nagler for their work on modeling elections. Also, Alvarez has received financial support for his research from the National Science Foundation, The IBM Corporation, the Carnegie Corporation of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals: American Journal of Political Science, American Politics Quarterly, Election Law Journal, Political Behavior, The Journal of Politics and Political Research Quarterly. He was the editor of *The Political Methodologist*, 1993-96.

Professor Alvarez is Co-Director of the Caltech-MIT Voting Technology Project, researching technological solutions to electoral problems, and is the Principal Investigator of the "Secure Electronic Registration and Voting Experiment" Evaluation. He has been an expert witness in a series of recent court cases, including California's defense of the blanket primary (California Democratic Party v. Jones), Bradley v. Compton, and Cano v. Davis. He has testified before a number of organizations, including the U.S. Senate. He was an outside consultant for Knight Ridder on their 2000 Hispanic Voter Poll, and in 2004 is a consultant to Greenberg, Quinlan, Rosner Research Inc. in their research on the Hispanic electorate. Alvarez is a frequent guest on Pasadena's National Public Radio affiliate, KPCC-FM, and writes opinion pieces for local newspapers. He has been interviewed for National Public Radio, Jim Lehrer's NewsHour, CNN, ABC, NBC News, and for many state, national and international newspapers.

014865

Curriculum Vitae Ramon Michael Alvarez

Address

Division of the Humanities and Social Sciences
Mail Code 228-77
California Institute of Technology
Pasadena, CA 91125
626-395-4422
e-mail: rma@hss.caltech.edu

Academic Background

Professor of Political Science with tenure, California Institute of Technology, February 2002 to present.

Associate Professor of Political Science with tenure, California Institute of Technology, June 1997 to February 2002.

Associate Professor of Political Science, California Institute of Technology, April 1995 to June 1997.

Assistant Professor of Political Science, California Institute of Technology, December 1992 to April 1995.

Robert S. Rankin Instructor of American Politics, Duke University, 1991-1992.

Duke University, Ph.D., December 1992 (Political Science). M.A., with distinction on Ph.D. Preliminary Examination, May 1990, (Political Science).

Carleton College, B.A., *magna cum laude*, 1986 (Political Science).

Grants and Fellowships

Carnegie Corporation of New York, "Electronic Elections", 2005-2006, Co-principal Investigator, (\$50,000).

IBM Center for The Business of Government, "Database Integration for Election Administration", 2004-2005, Co-principal Investigator, (\$15,000).

John S. and James L. Knight Foundation, "Internet and Electronic Voting", 2003 – 2006, Co-principal Investigator, (\$650,000).

014866

U.S. Department of Defense, "Evaluation of the Secure Electronic Registration and Voting (SERVE) Project", November 2002 – December 2005, Principal Investigator, (\$1,700,000).

Carnegie Corporation, "Internet Voting", 2003 – 2005, Co-principal Investigator, (\$273,000).

U.S. Department of Defense, "Evaluation of the Secure Electronic Registration and Voting (SERVE) Project", DASW01-02-C-0027, (\$236,140), Principal Investigator.

John Randolph Haynes and Dora Haynes Foundation Faculty Fellowship, 2002. Project title: "California's Voting Systems", May 2002 – October 2002, (\$10,000).

Carnegie Corporation, Project title: "MIT-Caltech Voting Technology Initiative", 2000 – 2001, Co-principal Investigator, (\$450,000).

USC-Caltech Center for the Study of Law and Politics, Associate Director, 2000 (\$150,000) 2001 (\$150,000), 2002 (\$150,000).

USC Center for Law, Communications, and Public Policy, "Manufacturing a Gender Gap", 1999, Co-principal Investigator (\$8,500).

John Randolph Haynes and Dora Haynes Foundation Faculty Fellowship, Project title: "An Experiment in Democracy: The Blanket Primary in California", 1999, (\$8,000).

National Science Foundation, Project title: "Issues and Economics in Multiparty Elections", 1997-99, Co-principal Investigator, (\$85,000).

IBM University Equipment Matching Grants Program, 1998, (\$25,000).

John Randolph Haynes and Dora Haynes Foundation Faculty Fellowship, Project title: "Who Governs Southern California: Will the Rise of Latino Political Power Continue?" 1997, (\$8,000).

IBM University Equipment Grants Program, Project title: "Individuals and Aggregates: New Computational Techniques for Resolving Ecological Relationships", 1996 – 97, Co-principal Investigator, (\$134,000).

John M. Olin Faculty Fellowship, 1994 – 95, (\$45,000).

John Randolph Haynes and Dora Haynes Foundation Faculty Fellowship, Project title: "Information in State-Level Political Campaigns: An Examination of the 1994 Senate and Gubernatorial Races in California", 1994, (\$8,000).

Duke Endowment Fellow, 1987 – 89.

Professional Honors

Named and recognized by *Scientific American* magazine for outstanding acts of leadership in science and technology as a Policy Leader in the computing category of the 2004 "Scientific American 50".

Emerging Scholar Award, Elections, Public Opinion, and Voting Behavior Section of the American Political Science Association, for the top scholar within ten years of Ph.D. receipt in the field, 2002.

Robert H. Durr Award for the best paper applying quantitative methods to a substantive problem in political science at the 1997 Annual Meeting of the Midwest Political Science Association.

Sprague Award for the best paper applying quantitative methods to a substantive problem in political science at the 1995 Annual Meeting of the Midwest Political Science Association.

Brooks/Cole Award for the best paper written by a graduate student in the 1991 Annual Meeting of the Midwest Political Science Association.

Distinction in the Department of Political Science, Carleton College, 1986, awarded for thesis titled *Latin American Revolutions: Going Beyond Skocpol*.

Publications

Books

Electronic Elections. With Thad E. Hall. Princeton University Press, forthcoming 2006.

Point, Click and Vote. With Thad E. Hall. Brookings Institution Press, 2004.

Hard Choices, Easy Answers. With John Brehm. Princeton University Press, 2002.

Information and Elections. Revised Edition. University of Michigan Press, 1998.

Information and Elections. University of Michigan Press, 1997.

Journal Articles

"Strategic Voting in British Elections." With Fred Boehmke and Jonathan Nagler. *Electoral Studies*, forthcoming.

"A Natural Experiment of Race-Based and Issue Voting: The 2001 City of Los Angeles Elections." With Marisa A. Abrajano and Jonathan Nagler. *Political Research Quarterly*, forthcoming.

"Voting Behavior and the Electoral Context of Government Formation: The 1994 Dutch Parliamentary Election and the 'Purple Coalition'." With Garrett Glasgow. *Electoral Studies*, forthcoming.

"Web-Based Surveys." With Carla VanBeselaere. *Encyclopedia of Social Measurement*, Vol. 3, 2005, 955-962.

"Studying Elections: Data Quality and Pitfalls in Measuring the Effects of Voting Technologies." With Stephen Ansolabehere and Charles Stewart III. *Policy Studies Journal*, Vol. 33, No. 1 (February 2005), 15-24.

- "Latinos, Anglos, Voters, Candidates, and Voting Rights." With Jonathan Nagler. *University of Pennsylvania Law Review*. Vol. 153, No. 1 (November 2004), 393-432.
- "Party System Compactness: Measurement and Consequences." With Jonathan Nagler. *Political Analysis*, Vol. 12, No. 1 (Winter 2004), 46-62.
- "The Race Gap in Student Achievement Scores: Longitudinal Evidence from a Racially Diverse Environment." With Valentina Bali, *Policy Studies Journal*, Vol. 32, No. 3 (August 2004), 393-416.
- "The Revolution Against Affirmative Action in California: Politics, Economics, and Proposition 209." With Lisa García Bedolla. *State Politics and Policy Quarterly*, Vol. 4, No. 1 (Spring 2004), 1-17.
- "Who Overvotes, Who Undervotes, Using Punchcards? Evidence from Los Angeles County." With Betsy Sinclair. *Political Research Quarterly*, Vol. 57, No. 1 (March 2004), 15-25.
- "The Complexity of the California Recall Election." With Melanie Goodrich, Thad E. Hall, D. Roderick Kiewiet, and Sarah M. Sled. *PSOnline*, (www.apsanet.org), January 2004.
- "Schools and Educational Outcomes: What Causes the "Race Gap" in Student Test Scores?" With Valentina A. Bali. *Social Science Quarterly*, September 2003, vol. 84, no. 3, 485-507.
- "Are There Sex Differences in Fiscal Political Preferences?" With Edward J. McCaffery. *Political Research Quarterly*, March 2003, vol. 56, no. 1, 5-17.
- "The Foundations of Latino Voter Partisanship: Evidence from the 2000 Election." With Lisa García Bedolla. *Journal of Politics*, February 2003, vol. 65, no. 1, 31-49.
- "Subject Acquisition for Web-Based Surveys." With Robert Sherman and Carla VanBeselaere. *Political Analysis*, vol. II, no. 1, Winter 2003.
- "The Likely Consequences of Internet Voting for Political Representation." With Jonathan Nagler. *Loyola Law Review*, April 2001, vol. 34, no. 3, 1115-1153.
- "Issues, Economics and the Dynamics of Multi-Party Elections: The British 1987 General Election." With Jonathan Nagler and Shaun Bowler. *American Political Science Review*, March 2000, vol. 94, no. 1, 131-150.
- "The Resurgence of Nativism in California? The Case of Proposition 187 and Illegal Immigration." With Tara Butterfield. *Social Science Quarterly*, March 2000, vol. 81, no. 1, 167-179.
- "Two-Stage Estimation of Non-Recursive Choice Models." With Garrett Glasgow. *Political Analysis*, Spring 2000, vol. 8, no. 2, 147-166.
- "Measuring the Relative Impact of Issues and the Economy in Democratic Elections." With Jennifer Niemann and Jonathan Nagler. *Electoral Studies*, June-September, 2000, vol. 19, no. 2-3, 237-253.
- "A New Approach for Modeling Strategic Voting in Multiparty Elections." With Jonathan Nagler. *British Journal of Political Science*, January 2000, vol. 30, no. 1, 57-75.

- "Uncertainty and Candidate Personality Traits." With Garrett Glasgow. *American Politics Quarterly*, January 2000, vol. 28, no. 1, 26-49.
- "Citizenship and Political Representation in Contemporary California." With Tara L. Butterfield. *Pacific Historical Review*, May 1999, vol. 68, no. 2, 293-308.
- "Explaining the Gender Gap in U.S. Presidential Elections, 1980-1992." With Carole Chaney and Jonathan Nagler. *Political Research Quarterly*, June 1998, vol. 51, no. 2, 311-339.
- "Speaking in Two Voices: American Equivocation about the Internal Revenue Service." With John Brehm. *American Journal of Political Science*, April 1998, vol. 42, no. 2, 418-452.
- "Economics, Entitlements and Social Issues: Voter Choice in the 1996 Presidential Election." With Jonathan Nagler. *American Journal of Political Science*, October 1998, vol. 42, no. 4, 1349-1363.
- "When Politics and Models Collide: Estimating Models of Multicandidate Elections." With Jonathan Nagler. *American Journal of Political Science*, January 1998, vol. 42, no. 1, 55-96.
- "Deficits, Democrats, and Distributive Benefits: Congressional Elections and the Pork Barrel in the 1980s." With Jason Saving. *Political Research Quarterly*, December 1997, vol. 50, no. 4, 809-832.
- "Congressional Committees and the Political Economy of Federal Outlays." With Jason Saving. *Public Choice*, August 1997, vol. 92, no. 1-2, 55-73.
- "Are Americans Ambivalent Towards Racial Policies?" With John Brehm. *American Journal of Political Science*, April 1997, vol. 40, no. 2, 345-374.
- "Constituents and Legislators: Learning About the Persian Gulf War Resolution." With Paul W. Gronke. *Legislative Studies Quarterly*, February 1996, vol. 21, no. 1, 105-127.
- "American Ambivalence Towards Abortion Policy: Development of a Heteroskedastic Probit Model of Competing Values." With John Brehm. *American Journal of Political Science*, November 1995, vol. 39, no. 4, 1055-1082.
- "Voter Choice in 1992: Economics, Issues and Anger." With Jonathan Nagler. *American Journal of Political Science*, August 1995, vol. 39, no. 3, 714-744.
- "Issues and the Presidential Primary Voter." With John Aldrich. *Political Behavior*, September 1994, vol. 16, no. 3, 289-317.
- "Uncertainty and Political Perceptions." With Charles Franklin. *Journal of Politics*, August 1994, vol. 56, no. 4, 671-689.
- "Government Partisanship, Labor Organizations and Macroeconomic Performance, A Corrigendum." With Nathaniel Beck, Jonathan N. Katz, Geoffrey Garrett, and Peter Lange. *American Political Science Review*, December 1993, vol. 87, no. 4, 945-948.
- "Policy Moderation or Conflicting Expectations: Testing the Intentional Models of Ticket-Splitting." With Matthew M. Schousen. *American Politics Quarterly*, October 1993, vol. 21, no. 4, 410-438.

"Government Partisanship, Labor Organization and Macroeconomic Performance, 1967-1984." With Geoffrey Garrett and Peter Lange. *American Political Science Review*, June 1991, vol. 85, no. 2, 539-556. Reprinted in: Carlos Boix (ed.), *Modelos Politico-Institucionales de Politica Economica* (Madrid: Instituto de Estudios Fiscales, 1994), and Ronald Rogowski (ed.), *Comparative Politics and the International Political Economy* (Cheltenham: Edward Elgar, 1994).

"The Puzzle of Party Identification: Dimensionality of an Important Concept." *American Politics Quarterly*, October 1990, vol. 18, no. 4, 476-491.

Research Reports and Monographs

Making Voting Easier: Election Day Registration in New York. With Jonathan Nagler and Catherine Wilson. Prepared for Demos, May 2004.

California Votes: Election Day Registration in California. With Stephen Ansolabehere. Prepared for Demos, May 2002.

Voting: What is, What Could Be. Caltech/MIT Voting Technology Project, June 2001.

Bush's Tax Cut. With Edward J. McCaffery. Prepared for the USC-Caltech Center for the Study of Law and Politics, 2001.

American Opinion About Election Reform. Prepared for USC-Caltech Center for the Study of Law and Politics, 2001.

California's Blanket Primary. With Jonathan Nagler. Prepared for the California Secretary of State, 1998.

Unrefereed Publications

"Rational Voters and the Recall Election." With D. Roderick Kiewiet and Betsy Sinclair, in Shawn Bowler and Bruce Cain, *Clicker Politics*, Prentice-Hall, forthcoming.

"And now for something completely different for California elections: Other views: Commission would ease politicking" With Thad E. Hall, Special to *The Sacramento Bee*, published Tuesday, February 22, 2005.

"Ambivalence as Internal Conflict." With Bethony Albertson and John Brehm, in Stephen C. Craig and Michael D. Martinez, *Ambivalence and the Structure of Political Opinion*, Palgrave Macmillan, December 2004.

"Online Voting." With Thad Hall, in William Sims Bainbridge, *Berkshire Encyclopedia of Human-Computer Interaction*, Berkshire Publishing Group, 2004, 526-527.

"Counting Ballots and the 2000 Election: What Went Wrong?" With Betsy Sinclair and Catherine H. Wilson, in A. Crigler et. al., "Rethinking the Vote", Oxford University Press, 2004, 34-50.