

Past investigations in 2001 and 2005 have taken a year and six months, respectively, she said, but predicted this one would go faster as her staff is now more experienced and can more efficiently provide information to the grand jury.

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*Kaitlin Bell covers Mission, Starr County and general assignments for **The Monitor**. You can reach her at (956) 683-4446.*

017371

Posted on Thu, Sep. 21, 2006

## Challenge planned to voter fraud law

By AMAN BATHEJA  
STAR-TELEGRAM STAFF WRITER

Gloria Meeks said she was just drying off from her bath when she saw the two men looking into her bathroom window.

She screamed, setting off a confrontation that is expected to land in federal court today with a tangle of allegations about overzealous investigators and racism.

Meeks, 69, of southeast Fort Worth, said the two men were investigators with Texas Attorney General Greg Abbott's office, undermine efforts in the black community to get out the vote.

State officials will say only that Meeks is under criminal investigation.

The Lone Star Project, a group based in Washington, D.C., that supports Democrats, said it plans to file a lawsuit in federal court to use the encounter as an example of what it calls heavy-handed tactics in the state's enforcement of a voter fraud law that violates the U.S. Constitution and the federal Voting Rights Act.

Meeks' lawyer, Gerry Hebert, said his client has been targeted as part of a broader investigation by the attorney general's office of voter fraud in Tarrant County and across the state.

The local allegations apparently stem from a complaint about the possible illegal handling of mail-in ballots in a Fort Worth neighborhood in May.

"We think the law is overly broad," said Hebert, a longtime lawyer for the Texas Democratic Party who is affiliated with the party's opposition to the law. "It is penalizing conduct that is a very legitimate activity in a political election."

The attorney general's office has prosecuted just over a dozen people for voter fraud since 2005. All appeared to be support candidates, although the office is investigating cases involving Republican candidates as well, said Angela Hale, a spokeswoman.

Some Democratic activists, however, say Abbott's prosecution is a thinly veiled attempt to frighten elderly people in minority neighborhoods from voting.

"What is apparent is the attorney general is less interested in trying to find real circumstances of voter fraud and what he's doing is protecting the Republican Party," said Matt Angle, the Lone Star group's founder.

Angle said most of the cases prosecuted involved people who were helping elderly people vote by mailing their ballots for them under the 2003 law. He noted that the practice has a long tradition in Fort Worth's African-American neighborhoods, thanks to activists such as the late Izean Davidson.

The law, if fully enforced, could hamper efforts by low-income minorities to vote, said Art Brender, chairman of the Tarrant County Democratic Party, who is a lawyer working on the suit.

"In the minority community, they're trying to stop people from voting absentee," Brender said. "The way they're doing it is through people on technical violations of the election code."

On its Web site, the Lone Star Project has highlighted Meeks' experience as an example of flagrant abuse by Abbott's office.

Meeks, a Democratic activist, said the two men invaded her privacy by looking into her window Aug. 10. She said the men they thought they were looking into a kitchen window, according to a sworn statement by Meeks.

"I doubt that those agents would have been peeking in the windows of homes in Highland Park or Westover Hills," Angle said.

Hale would not give details on the criminal investigation of Meeks but said it stems from a complaint by a Tarrant County resident.

"It is not uncommon ... for targets of criminal investigations to make baseless allegations of law enforcement in order to deflect serious criminal allegations they face," Hale said.

"The investigation is expected to move forward regarding her in the near future," Hale said.

Hebert suggested that the allegation came from the opponent of a candidate whom Meeks supported.

"It's fairly common for people who lose elections to try and put the blame on anyone but themselves," Hebert said. "They're not true, and in Gloria's case, it certainly is not true."

Meeks has worked for candidates in various local races, including the heated race in May between Fort Worth school Trustee challenger Shirley Knox Benton. Moss said Meeks operated a phone bank for her.

"You can't find a person with better values than Gloria Meeks, and I can't determine why a person would want to attack her who appears as though African-Americans are being attacked."

Knox Benton said Wednesday that she will not comment about the investigation.

Hale said the attorney general's office is not targeting Democrats but is responding to complaints that often have been filed against them.

Some Tarrant County Democrats agree that the fraud problem may be unique in their party because of intense competition for votes in minority communities.

Sharon Armstrong, a longtime Democratic activist in southeast Fort Worth, said she believes that problems have existed for years with candidates buying votes through mail-in-ballot schemes.

"It's a method that people have used for years to get into office," Armstrong said.

Armstrong said she supports the legislation being challenged by the Lone Star Project. She called it a good start to address the problem, but said repealing it would hurt minority communities.

"These communities are going to remain undeveloped because of the voter fraud," Armstrong said.

#### IN THE KNOW

##### Voter fraud law

Texas Attorney General Greg Abbott's office is coming under fire for his enforcement of a 2003 state law addressing voter fraud.

The law prohibits people from possessing mail-in ballots that are not their own unless they are related to or living with the voter.

The law is intended to prevent campaign workers from intimidating senior citizens into filling out mail-in ballots for certain candidates.

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## Voter fraud and disenfranchisement

by kos

Sun Oct 31, 2004 at 05:21:55 PM PDT

Here's a sampling of what we face nationwide.

In West Virginia -- it was bad enough the **first time**.

In a letter, Berkeley County clerk John Smalls cites calls from a cell phone were made to Eastern Panhandle democrats telling them that they were not registered to vote. The letter also said the calls informed democrats in some cases they wouldn't be able to vote on Election Day [...]

It's considered an improper act because when upset citizens called the voter registration office to make sure they were registered to vote, indeed they were. So, who made these misleading calls? The Berkeley County Clerk's Office traced the number voters gave as the source back to the Eastern Panhandle Republican Headquarters.

Bad enough the first time, as I said. Problem is, despite their "slap on the wrist" (or because of it), local Republicans are still up to the same dirty tricks. From an email statement today: Democratic leaders in one of the nation's most hotly-contested battleground states are receiving reports of voter-suppression activities that can be traced back to the Republican Party. The suppression activities have continued despite warnings from officials in Berkeley and Jefferson Counties.

Hopefully these WV Republicans face the same fate as those in Ohio who tried to challenge 35,000 new voters for no reason other than disenfranchisement. After hundreds of hearings found **zero** illegal registrations, the entire lot of challenges was **thrown out** and the Republican masterminds now face criminal charges.

Speaking of Ohio, I got this from a Toledo volunteer:

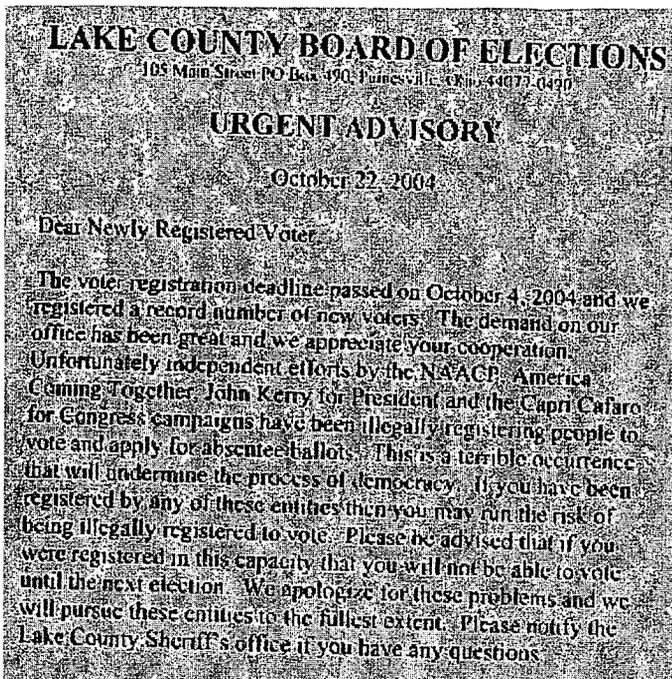
I worked all day yesterday at the largest Toledo area Kerry GOTV phone bank at Gallon and Takacs law offices, 3516 Granite, Sylvania. Out of the 8 phone banks that we had here in the Toledo area yesterday, ours produced one third of all of the contacts made.

Both the local phone company and our phone systems provider have confirmed to us that phone relay point into the building was purposely severed. Many volunteers were rerouted to other locations and several also had to rely on cell phones when we found our lines down this morning. We thought it was a coincidence until the phone company verified to us that the lines were intentionally cut.

More Republican dirty tactics.

And more Ohio, check out this letter supposedly sent from the Lake County (Painesville) Board of Election to newly registered Democrats:

017374



Of course, the letter is not from the Board of Election, and it's obviously all bullshit. (From Law Geek.)

In Milwaukee, Wisconsin, the GOP wants to take a page from the Ohio playbook.

Citing a new list of more than 37,000 questionable addresses, the state Republican Party demanded Saturday that Milwaukee city officials require identification from all of those voters Tuesday.

If the city doesn't, the party says it is prepared to have volunteers challenge each individual - including thousands who might be missing an apartment number on their registration - at the polls.

In Ohio, the "questionable addresses" were those where GOP-sent registered mail wasn't accepted. Wherever the WI GOP's list comes from, it's definitely not reality.

City Attorney Grant Langley labeled the GOP request "outrageous."

"We have already uncovered hundreds and hundreds and hundreds of addresses on their (original list) that do exist," said Langley, who holds a non-partisan office. "Why should I take their word for the fact this new list is good? I'm out of the politics on this, but this is purely political."

Still in Wisconsin, let's head to the ultra-liberal University of Wisconsin -- Madison, which should be a **huge source** of Kerry votes on Tuesday.

UW-Madison students in six residence halls received misleading information this week about how to vote, triggering allegations of dirty tricks.

The Dave Magnum for Congress campaign and the College Republicans took responsibility and apologized for the mailing Friday evening, insisting it was an honest error.

But a progressive group called it a deliberate attempt to confuse student voters. And University of Wisconsin-Madison Chancellor John Wiley, saying he was concerned that students

017375

might not know where to vote, had e-mails sent to all students Friday afternoon containing correct information.

The Campus Republican flyer told students they could vote at the polling location of their choice. Obviously, voters must vote in their assigned polling location.

The College Republicans, of course, are mired in a scandal of their own -- **bilking innocent seniors** of more than \$6 million.

The College Republican National Committee has raised \$6.3 million this year through an aggressive and misleading fund-raising campaign that collected money from senior citizens who thought they were giving to the election efforts of President Bush and other top Republicans.

Many of the top donors were in their 80s and 90s. The donors wrote checks -- sometimes hundreds and, in at least one case, totaling more than \$100,000 -- to groups with official-sounding names such as "Republican Headquarters 2004," "Republican Elections Committee" and the "National Republican Campaign Fund." [...]

Some of the elderly donors, meanwhile, wound up bouncing checks and emptying their bank accounts.

"I don't have any more money," said Cecilia Barbier, a 90-year-old retired church council worker in New York City. "I'm stopping giving to everybody. That was all my savings that they got."

Barbier said she "wised up." But not before she made more than 300 donations totaling nearly \$100,000 this year, the group's fund-raising records show.

Makes you glad to be a Democrat, huh? We all knew College Republicans were slime. Now we have hard evidence. I hope to see some of those scum carted off to jail. But I digress, since cheating the elderly of their life savings isn't really voter fraud or supression.

Let's wrap up in Alabama, where Democratic areas have been infested with this flyer:

017376

**Attention:  
Jefferson  
County!!!!**

**See You At The Poles  
November 4<sup>th</sup>, 2004.**

**To Find your local polling  
place, call Jefferson  
County Voter's  
Registration  
Commission.**

**Update:** Here's another one -- a fake letter, supposedly from the NAACP, threatening South Carolina blacks with arrest if they vote with outstanding parking tickets, or if they haven't submitted a credit check, provide two forms of photo identification, a Social Security card, a voter registration card and a handwriting sample.

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## **Voter Fraud Charges Out West**

TEMPE, Ariz., Oct. 14, 2004

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**(CBS) By CBSNews.com Chief Political Writer David Paul Kuhn**

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Officials in Oregon have launched a criminal investigation after receiving numerous complaints that a Republican-affiliated group was destroying registration forms filed by Democratic voters statewide, Oregon Secretary of State Bill Bradbury told **CBSNews.com**.

Meanwhile, **CBS affiliate KLAS-TV** is reporting accusations of similar malfeasance in Nevada.

Both state's allegations are linked to a Phoenix political consulting firm called Sproul & Associates run by Nathan Sproul, former head of the Arizona Republican Party. Sproul & Associates has received nearly \$500,000 from the Republican National Committee this election cycle, according to the Center for Responsive Politics.

Calls from **CBSNews.com** to Sproul were not returned.

Late Thursday afternoon, two Democratic senators, Patrick Leahy of Vermont and Ted Kennedy of Massachusetts, sent a letter to Attorney General John Ashcroft asking the Justice Department to "launch an immediate investigation into the activities of Mr. Sproul and his firm."

According to **KLAS-TV**, a former employee claimed hundreds, if not thousands, of Democratic registration forms were destroyed by a Sproul & Associates group called Voters Outreach of America.

The former employee first told local Nevada reporters that he had personally witnessed his boss shredding eight to ten voter registration forms, according to Steve George, a spokesman for the Nevada Secretary of State.

**KLAS-TV** quotes the chair of the Nevada Republican Committee, Earlene Forsythe, as saying, "The Republican National Party would never intentionally hire any staff people to come into the state to intentionally do voter fraud."

While Nevada is considering an investigation, Oregon's is well underway. Bradbury expects to have more than 200,000 new registered voters in Oregon by Election Day, when all the forms are tallied and verified. He said that they are now paying particular attention to issues of improper registration.

"We've had three [voter registration] complaints filed and we forwarded them to the attorney general who's doing the criminal investigation," Bradbury, a Democrat, said in an interview. "The complaints specifically name Sproul."

In Nevada and Oregon, Sproul allegedly canvassed voters for which candidate they intend to support. If voters were leaning Republican, the group is said to have assisted in their registration. If they leaned Democratic, the group allegedly ignored them or later destroyed the form.

It is illegal to destroy voting registration material.

"I've never seen this before. The allegations that are being made just totally offend me, not only because they are illegal," Bradbury said. "Regardless of whether it is a Democratic, Republican or Independent form, there is no better way to disenfranchise a voter than to say you are registered and then throw away a voter registration form."

Both Oregon and Nevada are considered battleground states in the presidential election. Though polls show Oregon likely to go to Democrat John Kerry, Nevada remains a dead heat between Kerry and President Bush.

Concerns over Sproul's practices were initially raised in early September when a Medford, Oregon, county librarian, Meghan O'Flaherty, received a fax from Sproul requesting to hold a voter registration drive at the local library on behalf of a nonpartisan group called America Votes. As a precaution, O'Flaherty did her own research on Sproul.

"I was just being a good reference librarian and checking the facts. We want to be sure someone who claims to be nonpartisan is nonpartisan," O'Flaherty said. "I didn't want anything going on here in the library that would call into question our neutrality."

The fax from Sproul was also received by three other Oregon libraries. **CBSNews.com** obtained a copy of the fax, as well.

In part, the fax reads: "Our firm has been contracted to help coordinate a national nonpartisan voter registration drive, America Votes!, in several states across the nation." The one-page fax also claims, "We will equally register all those who wish to register to vote."

However, Cecile Richards, the president of America Votes, said in a letter to Sproul that he "had never even heard of Sproul & Associates," and asked that "he refrain from using the name 'America Votes' in any of your activities from this point forward."

Part of the problem, said Bradbury, the Oregon secretary of state, is the "bounty system" where people are "paid by the signature for circulating petitions and that led to significant fraud."

"I have not seen a bounty system for voter registration before," Bradbury continued. "It's not illegal but I've never seen that before."

In Nevada, the allegations of voter registration malfeasance have irked local election officials. The Nevada Secretary of State's office has contacted the Department of Justice in Washington. An investigation is not yet underway.

"The allegations are that there was a group that was doing voter outreach in Las Vegas – Voters Outreach of America – allegedly made by one of its former workers that the group would destroy Democratic voter registration forms," said George, the spokesman for the Nevada Secretary of State's office.

In Las Vegas, the Clark County registrar's office has in the last month alone received more than 100,000 new registrations. Though it has only five electoral votes, the possibility that Nevada could go for either Bush or Kerry has brought the state to the forefront of the presidential race.

"If the allegations are true," George said "it could" involve hundreds if not thousands of voter registration forms. "We are looking at what state and federal laws may have been broken."

017379

## **VOTER FRAUD ALLEGATIONS: Judge denies request**

### **Democratic Party loses bid to reopen voter registration**

**By ADRIENNE PACKER**  
**REVIEW-JOURNAL**

District Judge Valerie Adair on Friday denied the Democratic Party's request to reopen voter registration to voters whose forms might have been destroyed by a Republican-backed organization.

In denying the Democratic Party's petition, Adair said extending registration could "open the floodgates" to allow people not affected by the purported fraud to register. Such a move would be inviting "additional fraud and manipulation," she said.

"This court does not believe that there is any way to ensure that only those individuals legitimately affected will register if the time period is extended," the judge said. "There is no guarantee that hundreds of people will not seek to register or claim that they have been impacted."

The appropriate remedy under Nevada law is for those who believe they've been wrongfully denied the right to vote to file individual lawsuits against the Clark County registrar asking to be included on the voter rolls, Adair said.

"The interests of the affected individuals do not justify overriding the statutes enacted by our Legislature and embarking upon a highly dangerous path where the claims of a single individual can impact the voter registration practice of an entire county," Adair said.

The judge pointed to a disclaimer on registration forms that says if voters do not return registration forms themselves or personally mail them to the elections office, they risk not being registered.

Clark County Deputy District Attorney Mary-Anne Miller said elections staff could not process some 58,000 absentee ballots, oversee early voting, and handle a court order to register hundreds of new voters. She said the county could not guarantee voters' information would be in order by the Nov. 2 general election.

Clark County Registrar of Voters Larry Lomax said he was satisfied with Friday's ruling.

"What we wanted was a quick decision, and that's what we got," Lomax said.

Voter registration fraud has plagued Clark County since spring, but Lomax said early in the process it was money-driven. Some voter registration outfits were paying canvassers \$3 per form submitted, not by the hour.

But former Voter's Outreach of America employee Eric Russell told KLAS-TV, Channel 8 a different story earlier this week. Russell said the Republican-backed organization paid only for Republican forms and tore up any Democratic registration forms.

"I have proof. I have a witness. It happened," said Russell, who was disappointed in Adair's ruling.

Two other former employees, Tyrone Mrasak and Ashlee Tims, have told similar stories about their experiences working for Voter's Outreach.

Chris Carr, executive director of the state Republican Party, said organizations tied to the Democrats are not innocent of political tricks against the GOP. On Friday, he presented three registration forms submitted by Moving America Forward that listed addresses that do not exist or are empty lots. Moving America Forward is a Democratic group linked to New Mexico Gov. Bill Richardson.

"The Democrats have used selective outrage," Carr said. "This is nothing more than a thinly veiled, politically motivated effort to draw media attention away from the real issues just days prior to early voting."

Carr called a recent Channel 8 report that two Republican Party registration supervisors instructed a female employee to destroy Democratic forms "outrageous."

The woman who launched the allegations, Patricia Parker, was a Democrat who eventually switched parties, Carr said. The employees Parker accused of destroying Democratic forms work at party headquarters and are experienced and professional, he said. Parker could not be reached for comment.

Republicans outraged by the accusations said some party workers believe Democratic operatives are volunteering in their office under the guise of being Republicans and then using their employee status to add credibility to their unfounded claims.

When asked if he suspected the same, Carr responded: "Absolutely. That's going to cross your mind."

The controversy surrounding the validity of the Democrats' recent claims have reached Washington D.C., where representatives of both parties are accusing each other of trying to steal the heated presidential election.

During a rally Friday morning at the West Las Vegas Library, U.S. Senate candidate

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Barack Obama of Illinois, who rose to political stardom with his rousing speech during the Democratic National Convention, expressed concerns about trickery.

"We get bamboozled sometimes, but not this time," he said.

Clark County Commissioner Yvonne Atkinson Gates, who is also chairwoman of the Democratic National Committee's Black Caucus, told the crowd of about 300 that Republicans have twice tried to pull "shenanigans."

She referenced the attempt to remove 17,000 Democratic voters from the rolls by a Republican and the recent allegations of Republican operatives destroying Democratic voter registration forms.

"They stole the election four years ago in Florida, and we're not going to tolerate it Nov. 2," Atkinson Gates said.

Former Sen. Bob Dole lodged similar allegations against the Democratic Party in a statement issued through the Bush-Cheney campaign.

"Here we go again," Dole said. "In 2000, Democrats tried to disenfranchise military voters in Florida. They tried to do it again in 2004 using the same cast of characters."

Party representatives are painting Nevada, a contentious battleground for the presidential election, as the Florida of the 2004 elections. In Florida, some voters used punch-card ballots, resulting in a significant number of votes that could not be detected.

Donna Brazile, who ran Al Gore's 2000 presidential campaign and is now in charge of the party's voter national protection efforts, paid a brief visit to Las Vegas on Friday.

"We're trying to prevent it from becoming a Florida," Brazile said of Nevada. "We're determined not to let Florida happen again, and what happened here in Nevada has gone in the books as a Florida-style attack."

Eric Herzik, a political science professor at the University of Nevada, Reno, won't dismiss the possibility that Democrats are trying to lay the groundwork to later challenge an unfavorable election result.

"It certainly isn't a stretch to think this is part of a broader legal strategy," he said. "This isn't just in Nevada. They have teams of lawyers looking for things all over."

Agreed, said David Damore, an assistant political science professor at the University of Nevada, Las Vegas.

"If you read the aftermath of Florida, they (Democrats) got overwhelmed down there. In that sense, they are prepared" this time, Damore said. "I imagine if the shoe was on the

other foot, you'd see the same thing (from Republicans). It's just good strategy."

"There are a lot of Democrats still bitter over 2000," Damore said. "This may be overreacting in that sense, but there's a lot at stake."

The Democrats' claims of voter fraud did not surprise Republicans, said Carr, chairman of the state party. The Republican Party referred to an Election Day manual published Thursday on [www.drudgereport.com](http://www.drudgereport.com).

A portion of the manual, which a Democratic official said is authentic, says: "If no signs of intimidation techniques have emerged yet, launch a 'pre-emptive strike,' " such as issuing a press release "quoting party/minority/civil rights leadership as denouncing tactics that discourage people from voting."

Clark County Democratic Party officials said after Adair's ruling Friday they had not decided whether to appeal.

"We're still considering our legal options," said Jon Summers, a spokesman for the state Democratic Party.

However, he pointed out that Adair in her remarks from the bench said defrauded voters have another legal remedy.

"If they are a victim of this company, they can come back and file their own individual lawsuits," Summers said.

The FBI and the Nevada Secretary of State's office are looking into the Democrats' allegations, but neither agency has concluded that laws were violated.

Review-Journal writer Omar Sofradzija contributed to this report.



# Election News

## Campaign 2004: Voter registration workers cry foul

Wednesday, October 20, 2004

By Dennis B. Roddy, Pittsburgh Post-Gazette

An ostensibly nonpartisan voter registration drive in Western Pennsylvania has triggered accusations that workers were cheated out of wages and given instructions to avoid adding anyone to the voter rolls who might support the Democratic presidential nominee.

Sproul & Associates, a consulting firm based in Chandler, Ariz., hired to conduct the drive by the Republican National Committee, employed several hundred canvassers throughout the state to register new voters. Some workers yesterday said they were told to avoid registering Democrats or anyone who indicated support for Democratic nominee John F. Kerry.

"We were told that if they wanted to register Democrat, there was no way we were to register them to vote," said Michele Tharp, of Meadville, who said she was sent out to canvass door-to-door and outside businesses in Meadville, Crawford County. "We were only to register Republicans."

Tharp said volunteers were sent door-to-door to seek registrants but were instructed to first ask prospective new voters which candidate they planned to support.

"If they said Kerry, we were just supposed to say thank you and walk away," Tharp said.

Brenda Snyder, a volunteer with the Republican Victory Center in Erie said workers "absolutely never" were told not to register Democrats. She said some workers were not paid "because of discrepancies in their paychecks" and said the party was attempting to correct the problem. Tharp, for instance, said she was paid only \$14 for 15 hours of work after being hired at a rate of \$11 per hour.

Heather Layman, a spokesperson for the Republican National Committee, confirmed Sproul's role in the effort and said that complaints by 45 to 50 workers who had not been paid had been straightened out. Layman denied that the canvassers avoided registering Democrats and suggested that Democrats were orchestrating the charges.

"I do smell politics here if that's what they're saying," Layman said.

Much of the controversy yesterday centered on the registration drive in Crawford County, where canvassers claimed to be owed thousands of dollars after hunting out Bush supporters.

"If they were a Kerry voter, we were just supposed to walk away," said Michael Twilla, of

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Meadville, who said he has been paid for only eight of 72 hours he worked.

Twilla provided the Post-Gazette with a copy of the script he said he had been given.

It instructs the canvassers to hand unregistered Bush supporters a clipboard with a registration form, and to advise them the canvassers will personally deliver the forms to the local courthouse.

A lower portion of the form also advises the canvassers to ask undecided voters two questions: "Do you consider yourself pro-choice or pro life?" and "Are you worried about the Democrats raising taxes?" If voters say they are pro-life, the form says, "Ask if they are registered to vote. If they are pro-choice, say thank you and walk away."

The form also tells canvassers, "If anyone asks who you are working for, it's 'Project America Vote.' "

America Votes, whose name is similar, is a self-described nonpartisan voter registration organization sponsored by generally liberal-leaning groups.

Several canvassers said they had been instructed to skip the lower portion of the form and others said they were told to say they were working for a local employment agency.

Twilla said the canvassers were told to say they worked for Career Concepts, a local employment agency. Career Concepts was contracted by a Florida firm, Apple One, to assist them in locating temporary employees. A spokeswoman for Career Concepts last night said her firm did not employ the canvassers.

Sproul's role in voter registration drives this month triggered official investigations in several other states, with canvassers alleging they had been told to discard Democratic registration forms, leaving voters who thought they had registered off the rolls.

The firm has a contract with the Republican National Committee to register new voters and has operated using the name Voters Outreach of America. Sproul's chairman, Nathan Sproul, is a former executive director of the Arizona Republican Party.

The firm attracted attention in Pittsburgh last month when Sproul employees called a Carnegie Library official to request space outside the buildings to register voters.

Holly McCullough, special assistant to the library director, said a woman from the firm said they were working for America Votes, the nonpartisan but liberal leaning organization.

McCullough said she agreed to allow the group to set up at the libraries.

"I said there has to be no issue advocacy. It has to do nonpartisan voter registration and they said that was right," McCullough said. Instead, several days later, McCullough received a call from Ryan Hughes, director of the Woods Run library branch, saying patrons had

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complained about the behavior of the canvassers.

Hughes said a patron came in the library Sept. 7 "and said 'There's this person out there asking me who I was voting for.' "But McCullough said she also became concerned because she discovered that Sproul was not working for America Votes, and that the registration drive was being organized by the Republican Party.

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*(Dennis Roddy can be reached at 412-263-1965 or at [droddy@post-gazette.com](mailto:droddy@post-gazette.com))*

017387

# Ten people, including former mayor, indicted for voter fraud

**AP** Associated Press

(12/22/05 - EDINBURG, TX) - Ten people, including the son of long-term former McAllen Mayor Othal Brand, were indicted Wednesday on allegations of voter fraud, Hidalgo County District Attorney Rene Guerra.

Guerra said a grand jury handed up 43 counts in the indictment ranging from unlawful assistance of voters, which he said meant telling people who to vote for, to unlawful solicitation of ballots for money.

Guerra said the investigation started in July after Brand's loss in the mayoral election in May.

Othal Brand Jr. is accused in a vote-buying scheme and could get up to two years in jail if convicted, he said.

Reached Wednesday, Brand Jr. said the indictment was "news to me."

He said he didn't want to comment until he read it.

Also indicted was La Joya city secretary Elvira Rios, who's accused of using her daughter's name for voting materials.

Guerra said defendants would be summoned for arraignments.

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## Vote fraud training called legit

Web Posted: 03/17/2006 12:00 AM CST

**Guillermo Contreras**  
Express-News Staff Writer

The Texas attorney general's office this week defended examples given in materials used to train law officers to watch for voter fraud, saying viewers must look at them in the proper context.

Critics took issue this week with two examples in a PowerPoint presentation used by the attorney general's office to train law officers to recognize election fraud. The critics argued the examples give poll monitors huge discretion that could result in voters inappropriately being turned away.

One example pictured apparel with logos of the Dallas Cowboys as a possible violation of a section of the state election code that bars in polling places badges, insignias and emblems that relate to any candidate, measure or political party on the ballot.

The other example gives law officers tips on what to look for when examining documents for fraud, including "unique stamps" on mail-in ballots. Appearing next to those words is a postage stamp of a black woman kissing a black child. The stamp promotes testing for sickle cell disease. The racial undertones of that example riled some critics.

Tom Kelley, spokesman for the attorney general's office, offered an explanation: "Our efforts in education are intended solely for law enforcement, not the general public. The example of the Dallas Cowboys shirt is a specific example of a real-life example involving a referendum for a new Cowboys stadium in Arlington, Texas. The example of the sickle cell stamp is a piece of evidence a grand jury relied on to issue an indictment in Bowie County.

"Unfortunately, there have been numerous instances of voter fraud in the state of Texas. These instances have led to nearly a dozen indictments across the state," Kelley said.

The state's stance, however, did little to appease critics like Common Cause Texas and the Mexican American Legal Defense and Educational Fund, groups that say the approach will intimidate voters and result in lower turnout.

One political analyst said the state's approach profiles minorities and assumes they go to the polls to cheat.

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"If you start with the assumption that people go to church to steal from the offering plate, you'd make people very uncomfortable," said Andy Hernandez, a political scientist at St. Mary's University. "After a while, they're going to stop going to your church."

The training was offered to 44 counties where voter fraud had occurred, or where the population is at least 100,000. The training took place before early voting began in the March primary.

The crackdown on voter fraud was backed by cases that resulted in indictments and by an editorial Feb. 6 in the San Antonio Express-News, according to the attorney general's office.

The training was offered to law enforcement agencies in Bexar County, but was not used here.

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*gcontreras@express-news.net*

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Online at:

[http://www.mysanantonio.com/news/politics/stories/MYSA031706.03B.aq\\_training.1c6b62e1.html](http://www.mysanantonio.com/news/politics/stories/MYSA031706.03B.aq_training.1c6b62e1.html)

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KEYTV.com

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## **65-Year-Old Woman Arrested For Illegal Voting**

*(CBS 42) CORPUS CHRISTI* A 65-year-old Corpus Christi-area woman has been sentenced to probation and fined for ~~illegally voting other people's ballots.~~

Maria Dora Flores pleaded guilty Friday to two third-degree felony illegal voting counts.

The Texas attorney general's office says Flores admitted marking ballots for other voters without their permission during the early voting for the March primaries.

She's been sentenced to two years of probation, fined 750 dollars and restricted from future campaign work.

017391

Scott County Virginia Star

7/28/06

## Former GC Mayor Convicted on 16 Counts of Election Fraud

Lisa Watson McCarty  
Publisher



Charles S. Dougherty, Jr. was fined \$32,000 and handed down a 32-day jail sentence. He is expected to appeal the decision.

Last Friday Gate City's former mayor was convicted of 16 counts of election fraud in relation to the May 4, 2004 municipal election.

Charles Dougherty Jr. was indicted by the Scott County Special Grand Jury in August 200 on 37 counts of election fraud dealing mainly with securing absentee votes. In February, the former mayor was acquitted on two counts of conspiring to interfere with voting rights.

He faces another 15 felony counts with the trial on those counts scheduled for October.

This time round the jury of six men and six women deliberated a little more than 90 minutes during their lunch hour on Friday, July 21 before rendering a unanimous guilty verdict.

They took more time to settle on how to penalize Dougherty and spent nearly 2 hours behind closed doors deciding his penalty.

During opening statements on Thursday morning, Scott County Special Prosecutor Joel Branscom told the jury he wasn't seeking jail time for Dougherty but noted during closing arguments that the jury would know the specific punishment to fit the crime.

Branscom complained that Defense Attorney Carl McAfee tried to "muddy the waters" by reading new wording on the indictments but ultimately the case boiled down to how much cheating and corruption they [the jury] could handle.

017392

"This case is about how much corruption you as representatives of this community are willing to take," the prosecutor explained to the jury.

Dougherty was fined \$2,000 on each of the 16 counts (\$32,000) and ordered to serve 2 days in jail on each of the 16 counts (total of 32 days). He remains free on bond while waiting for his official sentencing.

Although Thursday and Friday's case involved 9 counts of aiding and abetting violations of absentee voting procedures and 9 counts of making false statements on absentee applications, Branscom agreed to drop two of the charges involving Vernoi Littrell but remained determined on the other 16 charges.

Littrell, who is confined to his home with a health condition, was listed as working a 13-hour at his job at Food Lion and was unable to testify in the trial.

Eight witnesses, many of them friends of Dougherty, testified they probably weren't stricken by some of various ailments listed on their absentee applications. Nor were any of them vacationing in another state, an explanation cited on some of the other applications.

Although it was clear, many of the victims suffered from health problems, a few of them became upset when the prosecutor suggested they were homebound.

Lucian Kinthead, who resides in Gatewood Apartments, testified he didn't fill out the application but did sign it at the request of former councilman Jack Anderson. He admitted that he had known Anderson for years and knew Dougherty on sight.

"Hell, no I didn't know signing the form committed a felony," Kinthead stated. "If I knew I could get in trouble, I wouldn't have signed it."

The World War II veteran, who suffers from several health problems, admitted he had voted absentee several times because Anderson asked him to but owned a car and could have driven himself to the polls on that May day.

Gary Falin also explained that Dougherty came to his home in April and asked him if he wanted to vote. Falin testified Dougherty drove him to the registrar's office where he voted in person after the former mayor told a staff member in the office Falin would be traveling to West Virginia on election day.

"I didn't tell him that," Falin said. "I've never been to West Virginia and I had never planned to go there."

Falin, who is employed by Wal-Mart contractor, commented that he voted for the candidates he wanted to but hadn't really thought about voting until Dougherty came by his home.

After Branscom questioned whether he would lie in order to vote, Falin said wouldn't lie in order to vote.

"I didn't say anything," Falin added. "Charles Dougherty did when he told them I was going to West Virginia."

Penny Hammonds testified Dougherty drove her and her husband, Rickey, to vote at the registrar's office in early April 2004. According to her testimony, Scott County Registrar Willie Kilgore filled out the absentee application for her and listed her reasons for wanting the absentee ballot was because the couple was going to Gatlinburg, Tenn.

Hammonds said that the former mayor told Kilgore Hammonds and her husband would be in Gatlinburg on election day.

"I've always wanted to go there, maybe I would get to this time," Hammonds said.

017393

She added her father, Alfred 'Hagan' Cassell, had asked her to vote and called Dougherty to assist the couple. Hammonds also said Dougherty showed which candidates to vote for because she "don't know nothing about" voting.

Hammonds' husband, Rickey, echoed his wife's sentiments. He admitted that he suffered from a nervous condition and was physically disabled. Again Rickey Hammonds told the same story as his wife did including Dougherty suggesting to the registrar the couple was going to Gatlinburg.

"If I knew I was going to get into trouble by signing this paper, I wouldn't have," stated Ricky Hammonds, who clearly remembered signing his application in blue ink. "I've never been to Gatlinburg."

Rickey Hammonds also testified that Scott County Registrar Kilgore filled out his paperwork and instructed Dougherty to show him how to vote. He recalled voting for Dougherty and Anderson but couldn't remember who else he marked on the ballot.

Dougherty's attorney Carl McAfee asked Rickey Hammonds about prescribed medications he might be taking that could affect his memory. Branscom countered that none of the medications her husband was taking would cause his wife, Penny's memory to fail.

During her testimony, Shirley Smallwood verified that Dougherty brought an absentee application to her home in Weber City where she was living. Although she had lived in Gate City with her husband, after their divorce Smallwood had moved part of her furniture out of her Gate City home to Weber City.

She admitted to having crippling arthritis and bad headaches and to living at least part of the time in Weber City but voted absentee in the May 4, 2004 election.

McAfee argued that Smallwood lived part of the time in Gate City and part of the time in Weber City and added that she wanted to help Dougherty win re-election.

Smallwood's mail ballot was mailed to her Gate City address and she filled out the ballot on her own.

McAfee explained that the registrar allowed Smallwood to vote because the office mailed her an absentee ballot.

Mavis Graham also admitted on the witness stand that she allowed Dougherty to fill out her application while she was cooking dinner.

According to court records, her reasons for voting absentee were due to a heart attack and being confined to her home. Graham explained to the prosecutor during his direct questioning she had had a heart attack in 1976 and was able to get out as much as she used to.

Graham said she was involved in a car accident in 2002 and her doctor had commented several times that she wasn't as active as she used to be.

Branscom asked how she had come to court on that day and Graham said she drove herself.

Graham said she shopped for herself, met friends in Kingsport, Tenn. to eat out and generally liked to keep busy. She stressed that she wouldn't lie for anyone because although she wasn't confined to her home, she "didn't get out much."

Branscom countered that anyone could say they didn't get out much anymore including him after the birth of his and his wife's child but that it didn't prove he couldn't leave his home.

Gladys Cleek stated that her son was married to Dougherty's sister and although she owns two cars she did indeed suffer from arthritis. She recalled the day Dougherty dropped by her house, she was lying on the couch in her living room to ease the pain.

Cleek said she asked Dougherty to stop by after finding out from her homebound neighbor his intentions to bring absentee applications.

She admitted she wasn't confined to her home but voting absentee would save her a trip to the polls on election day. On re-direct by Branscom, Cleek said she drove herself to vote at Gate City Middle School in the 2004 presidential election.

Alfred 'Hagan' Cassell told a similar story in that he, too, was driven to the registrar's office by Dougherty. But Cassell said he originally wasn't going to the office to vote and went to talk to the "Kilgore girls."

After the application was completed by Assistant Registrar Tammy Presley, Dougherty said Cassell was going to be in the hospital on May 4, 2004 and Cassell signed the application.

He testified that the women employed in the office were his friends and he liked to go visit them.

"I didn't know it was time to vote but they wanted to know if I wanted to," Cassell said.

He admitted that he couldn't read nor write very well and said Scott County Registrar Kilgore marked his ballot for him after consulting a piece of paper where Cassell said he wrote the names of the candidates he wanted.

Former electoral board member Sherry Wilson began the day's testimony by helping the prosecutor introduce the absentee applications into evidence. Wilson stated that Virginia law does not allow absentee voting based on a voter's age after Branscom pointed out many of the absentee voters were older.

During cross examination, McAfee suggested that all of absentee voters involved in the trial were because the electoral board and registrar didn't do their jobs properly.

Wilson explained that only the electoral board secretary, registrar or assistant registrar were authorized to approve absentee applications and as the third member of the three-member board she had no authority to approve or deny applications.

When McAfee questioned whether Wilson knew if there was some type of relationship between staff in the registrar's office and Dougherty to cause them to help him out, Wilson said she had no hard proof only rumor and speculation.

She also added there was no procedure in Virginia law to challenge absentee votes unless a contest suit was filed in the election. In this case, the challenger, Mark Jenkins contested the results of the election which were overturned by a three-member panel of judges appointed by the Virginia Supreme Court. Dougherty received 357 votes compared to Jenkins' 355 vote total.

The candidates receiving the four highest vote counts were appointed to the Gate City Town Council. They, in turn, selected a fifth member and appointed Jenkins as mayor.

Betty Pendleton, a former clerk in the registrar's office, also testified after she was subpoenaed by the defense. Branscom had originally subpoenaed Pendleton but released her shortly after the day began.

The prosecutor said he had no intentions of calling Pendleton to the stand because prosecution witnesses are immune from prosecution of their crimes.

McAfee became very upset and said he should have been advised of her release. He demanded Pendleton be subpoenaed for the defense as well as Scott County Registrar Willie Mae Kilgore.

Although McAfee planned to bring Pendleton back into the courtroom as his witness, Branscom granted her immunity to testify but not before some legal maneuvering in front of Judge Birg Sergent.

017395

Branscom told the judge that Pendleton would have to be advised of her rights prior to her testimony and that things she said in court might be used against her. Sergeant also advised Pendleton that she could invoke her fifth amendment right to remain silent if her testimony might be viewed as incriminating.

Pendleton was informed of her rights and took the stand, still as a prosecution witness where she immediately invoked her Fifth Amendment rights. Several minutes later after McAfee stated he had no defense witnesses, Branscom granted immunity to Pendleton, which allowed her to testify for the defense.

Pendleton stated that when applications were brought in for ballots to be mailed, she used the computer system to access the voter's information record. Once that application was approved, then a ballot and mailing label was printed. If the voter came in person, after their application was approved then they voted in person.

Pendleton testified that she couldn't remember if Dougherty was present when some of the day's earlier witnesses had voted. She explained that lots of people were in and out of the office and it was difficult to remember everyone.

Pendleton admitted that Dougherty visited the office more than Jenkins but couldn't remember exactly when the former mayor was there. During her 24 years of employment in the registrar's office, Pendleton said she never favored one candidate over another.

"I tried to be honest not because I was for Charles [Dougherty] to win this election," she said.

Pendleton also said that the number of absentee votes cast in the election (158) was about the same as previous years. Dougherty received 138 of those votes cast while Jenkins only earned 20 absentee votes.

McAfee said during his closing argument that Dougherty hadn't interfered with the voting rights of any of the witnesses and that other candidates received more absentee votes than he did.

He also pleaded with jury to that put the stigma of a felony conviction on his client.

"A felony conviction is a felony conviction," McAfee said. "It is an offense that hangs with you throughout your life. It will not go away."

McAfee also poked fun at the large number of media representatives in the courtroom including reporters from Richmond, Roanoke, Bristol, Kingsport and locally.

"For some reason or another, this is bigger news than what's going on in the Middle East, the way they've been covering it," McAfee said.

But Branscom summed it up by explaining the purpose of elections.

"This is what we are in the Middle East fighting for – free votes," Branscom said. "This is what we believe in. It's about how much corruption you are willing to accept in Scott County."

According to Virginia Code 24.2.1012: "Any public official who knowingly violates any of the provisions of the law concerning absent voters and thereby aids in any way the illegal casting, or attempting to cast a vote, or who connives to nullify any provisions of this chapter in order that fraud may be perpetrated, shall forever be disqualified from holding office in the Commonwealth and shall forever be disqualified from exercising the right of franchise."

It is unclear whether Friday's guilty verdict threatens Dougherty's employment. He is currently employed by the Southwest Virginia Regional Jail in Duffield as a jailor.

017396

## **Bond may be revoked for suspect in Appalachia election fraud case**

03/29/2006

By **STEPHEN IGO**

WISE - A bond revocation hearing for one of the 14 individuals indicted in an alleged election fraud and government corruption scandal in Appalachia has been rescheduled for Monday.

The bond revocation hearing was continued from 1 p.m. Tuesday upon a request by Stephanie Pease, an Abingdon attorney representing Adam Brody Sharrett, the brother of former Town Councilman Andy Sharrett, also indicted by a Wise County grand jury in an alleged conspiracy to commit election fraud and other alleged illegal activities before, during and after the 2004 town elections in Appalachia. Andy Sharrett resigned from the Town Council last week.

Arraignment of 13 of the 14 individuals charged in the alleged conspiracy took place two weeks ago. Betty Chloe Sharrett Bolling, a great-aunt to Adam and Andy Sharrett, was arraigned Monday. She had gall bladder surgery just before the en masse arraignment hearing before Circuit Judge Tammy McElyea. McElyea has scheduled an Oct. 3 jury trial for all 14, with a pair of pretrial conferences scheduled for Aug. 3 and Sept. 26.

Adam Sharrett has been free on unsecured bond. One of the terms of his bond is not to have contact with any prosecution witnesses. Special Prosecutor Tim McAfee said Tuesday that Adam Sharrett jeopardized the terms of his bond as a result of an alleged March 17 altercation during a youth dance at the Appalachia Rescue Squad.

McAfee said a prosecution witness, Lora Bowers, dropped her daughter and a friend of her daughter's off at the dance, then parked at a market not far from the rescue squad facility to wait for the girls. At around 10 p.m., McAfee said the girls returned to Bowers' vehicle, the daughter in tears. The girls "basically tell Miss Bowers there was an incident involving a boy at the dance and some girl got slapped by another girl," McAfee said, and that chaperones of the dance or members of the rescue squad kept Bowers' daughter and another girl in an office and would not allow them to leave or contact their parents.

017397

McAfee said Bowers walked up the street to get the names of those who held her daughter against her will, and the two women allegedly involved in the incident - one of them, McAfee said, is Adam Sharrett's girlfriend - were standing outside at the entrance. McAfee said a "sort of heated exchange between Miss Bowers and the two women" ensued, and Adam Sharrett allegedly injected himself into the dispute.

McAfee said Bowers' statement to Virginia State Police investigators alleges that Adam Sharrett "uttered words related to the (election fraud conspiracy) investigation that related to Bowers," and that Sharrett allegedly poked a finger in her face while making disparaging comments about Bowers' role in the probe.

At that point, McAfee said Bowers was asked to enter the rescue squad building to await the identities, in writing, of the two individuals who allegedly held her daughter against her will. Instead of the promised note bearing the identities of the two women, McAfee said Appalachia Police Officer Lee Ray Williams arrived and allegedly "became antagonistic with her."

In her statement to the VSP, McAfee said Bowers alleged that Williams slapped her hand or arm when Bowers attempted to give her cell phone to her daughter to call 911. Bowers alleges Williams prevented her from calling for outside law enforcement assistance and, instead, arrested her for disorderly conduct and hauled her to the magistrate at the Wise County Courthouse. McAfee said Bowers attempted to file an assault warrant against Williams, but the magistrate denied Bowers' request.

Based upon Bowers' interview with VSP investigators and statements of other witnesses, the allegations against Adam Sharrett, "if true, would be in violation of the court's order, and we filed a motion to revoke his bond," McAfee said.

Besides Adam and Andy Sharrett, those indicted include their parents, Owen Anderson "Dude" Sharrett Jr. and Belinda Carolyn Sharrett, who were on the town payroll as the director of parks and recreation and as a clerk in Town Hall, respectively, until they were suspended without pay by the Town Council. Two brothers of Dude Sharrett, Dennis Martin "Boogie" Sharrett and Kevin Lee Sharrett, have also been indicted on various charges, including charges against Kevin Lee Sharrett involving the alleged importation of illicit drugs to Appalachia to spice up alleged voter bribery enticements such as packs of cheap cigarettes, six-packs of beer and bags of pork rinds.

Appalachia Mayor Ben Cooper heads the indictment list that bears a host of charges including tampering with absentee ballots and forgery. He relinquished his duties as town manager but rescinded an intention to resign as mayor yet remain on the council. Cooper is still mayor and on the council.

Two suspended law enforcement officials are among those indicted. Suspended without pay are former Chief Law Enforcement Officer Benjamin Graham Surber and former Police Officer Walter Mike Baber. Surber is accused of doing little more than collect a paycheck as a figurehead to allegedly provide Cooper full control over the police department, while charges against Surber and Baber include seizure of private property for personal use.

Indicted for allegedly making false statements on a request for voter assistance forms at the polls on election day are Betty Roxann Riddle, Krystal Shana Chandler Turner and Natasha Sharrett Mullins. A former U.S. Postal Service employee, Don Houston Estridge, is charged with illegally diverting absentee ballots to the alleged conspirators.

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*Published: April 17, 2006*  
*Contact this Times-News contributor- STEPHEN IGO*

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**Roanoke.com**

Thursday, October 05, 2006

## **Vote fraud case hangs on red ink, ballots**

**A defense attorney conceded that some of the defendants are "as crooked as a barrel of fish hooks." But not his client.**

By Laurence Hammack

WISE -- It seemed a little strange that so many people in Appalachia wanted to vote by absentee ballot in the 2004 town elections.

Stranger still that so many of the voters were nursing home occupants, Alzheimer's patients, alcoholics, residents of low-income neighborhoods and other citizens not known for their regular participation in democracy.

And stranger still that so many of their applications for absentee ballots were filled out in red ink.

"It was just kind of odd that so many people in Appalachia happened to have a red ink pen when they needed to sign something," special prosecutor Tim McAfee told a Wise County jury Wednesday.

As authorities continued to investigate the election, collecting thousands of pages of documents and eventually finding the incriminating red pen, they pieced together what has been called the biggest case of election fraud in recent state history.

Now it's up to the jury to see if the pieces fit to form a conviction.

Outlining his evidence in opening statements, McAfee described how a corrupt slate of candidates bought votes with bribes, cited false reasons to obtain absentee ballots for their ill-gotten supporters, diverted those ballots from the mail before they reached the intended voters and used the stolen documents to vote repeatedly for themselves through forgery and fraud.

Even defense attorney Walt Rivers conceded that some of the defendants were "as crooked as a barrel of fish hooks."

But not his client, Don Houston Estridge, Rivers told the jury.

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Estridge, a former postal worker who prosecutors say played a key role in diverting mail in ballots to the other conspirators, is maintaining his innocence in a trial that began Tuesday and is expected to last through next week.

There appears to be no direct evidence that Estridge stole blank ballots so that others could steal votes.

Instead, prosecutors will rely on circumstantial evidence and the testimony of co-defendants. Of the 14 people charged in the case, 12 have agreed to cooperate with authorities.

At the center of the conspiracy, McAfee said, is Ben Cooper.

Cooper is the former mayor and acting town manager of Appalachia, an economically depressed town of about 1,900 that sits not far from the Kentucky state line, surrounded by dormant coal mines.

Obsessed with a desire for power and a deep dislike for Vern Haefele, who was Appalachia's town manager in 2004, Cooper set out to win re-election to the council at any cost, McAfee said.

He enlisted the help of two town employees, parks and recreation director Owen "Dude" Sharrett and his wife, town clerk Belinda Sharrett. Because Haefele had expressed concerns about the Sharretts' competence and had suggested their jobs be eliminated, McAfee said, they were eager to join a political effort to remove the town manager.

In fact, one of Cooper's two running mates for council was the Sharretts' son, Owen "Andy" Sharrett. Seven members of the Sharrett family have been charged with assisting the Cooper campaign.

Estridge was pulled into the scheme for two reasons, McAfee said: As a letter carrier in Appalachia, he had access to the ballots the other conspirators needed. And a personal dispute he had with town leaders at the time over a land transaction made him a willing agent for change.

As Election Day approached, the defendants fanned out to find the kind of voters they could control, visiting nursing homes and housing projects.

"They are the people who don't know how to fight back," McAfee said of the victims. "They were easy targets for this conspiracy."

Although some voters have said, and the indictment alleges, that they were given beer, cigarettes and even pork rinds in exchange for their votes, McAfee downplayed that aspect of the case, focusing instead on stolen mail and forged ballots.

"This is not about pork rinds," he told the jury.

However, it was a complaint by Christina McKinney, who said Dude Sharrett offered her cigarettes and pork rinds for her vote, that started the investigation in May 2004. By then, Cooper, Andy Sharrett and a third member of the slate who has not been charged had been elected.

Cooper and Sharrett resigned after they were indicted in March. Estridge, 63, resigned from the postal service in February. Victor Dubina, a spokesman for the postal service, said he could not say if the resignation was related to the criminal charges.

Although no one apparently saw Estridge steal any absentee ballots, McAfee is asking the jury to consider circumstantial evidence, including the following:

- Of 57 documented cases of voter fraud (authorities suspect the actual number is much higher), 30 of the voters who never received absentee ballots were on Estridge's mail route.
- A computer-generated list of voters found in Cooper's house had the name "Don" written next to many of the names. A search of the Sharrett home the same day produced a pen with red ink on top of a pile of absentee ballot applications.
- Cooper was a regular visitor to the Appalachia post office where Estridge worked, and some employees heard him ask the letter carrier about whether certain absentee ballots had arrived in the weeks before the election.

While Estridge admitted that he "ran his mouth a lot" in the community while supporting Cooper and his running mates, he plans to testify that he did nothing illegal, Rivers told the jury.

Rivers suggested that the postal employee best positioned to help the corrupt candidates was the Appalachia postmaster, Sid Cooper -- Ben Cooper's brother.

"He had the keys to the post office," Rivers said of Sid Cooper, who has not been charged. "He was the first one in the door every morning, and Ben Cooper was right on his heels."

Although Ben Cooper has agreed to cooperate with prosecutors, Rivers said he does not expect him to say anything to incriminate his brother.

"Somebody is being protected. Somebody is being covered. And somebody is being dumped on," Rivers said.

Pointing to his client as he sat alone at the defense table, Rivers said: "That man right there is being dumped on."

Tuesday, January 31, 2006

## **Inquiry into vote buying expands**

### **State police searched the offices of Appalachia's town hall and police department.**

By Laurence Hammack

981-3239

A state police investigation into election fraud in Appalachia has reached past the town's 2004 elections and into its town hall, its police department and the homes of its top officials.

Armed with a dozen search warrants, police officers swarmed into the small coal-mining town in far Southwest Virginia on Monday morning to seize potential evidence from government buildings.

No charges have been filed. Court records indicate that authorities are looking into suspicions of both election fraud and the government corruption that it spawned.

Among the claims: that some votes were bought with promises of cigarettes and six-packs of beer, that absentee ballots were stolen from voters' mailboxes and fraudulently cast, and that one of the candidates for the town council went on to head the town police department, now suspected of illegally seizing drugs, money and property.

"It was a very disturbing discovery today," special prosecutor Tim McAfee said after a day of police searches. "We've got pre-election misconduct, we've got Election Day misconduct, and we've got post-election misconduct."

In addition to seizing evidence from the town hall and the police department, authorities also raided the homes of a town council member, the police captain and the mayor.

The investigation will even reach into the mouths of six suspects, with police planning to take saliva swabs that will be compared to DNA recovered from the envelopes that contained dozens of disputed absentee ballots.

Nearly two years ago, town resident Christina McKinney sparked the probe when she complained that family members of Andy Sharrett, one of seven candidates running for the council, enlisted her to vote by absentee ballot -- only to take her ballot from her

mailbox and cast it in her name.

McKinney said she and other residents of her government-subsidized apartment complex were offered cigarettes, beer and even a bag of pork skins in exchange for their votes.

When authorities checked out her story, "what stuck out like a neon light flashing was the fact that there was not just one incident, but there were probably 60 or 70 voters where it looked like something had happened," McAfee said.

Since then, the election probe has led authorities to look into the town's police department.

"The investigation into the election fraud claims by many voters has revealed a conspiracy by a lot of individuals to violate the election laws, with one of the goals being to allow the creation of a police department that was controlled and would permit certain illegal activities to occur," McAfee said.

Search warrants identify police Capt. Benjamin Surber, who was once a candidate for the town council.

Shortly before the 2004 election, Surber withdrew from the race and supported a slate of three candidates that included Sharrett and incumbent councilman Ben Cooper. Both Sharrett and Cooper were elected; the new council then named Cooper mayor.

Not long after the new council took over, Surber was named police captain, the de facto head of a five-man department that has no chief, McAfee said.

Search warrants executed on Surber's home and police headquarters show that authorities are interested in examining the workings of the department since May 2004.

The warrants authorized police to seize records related to Surber's hiring and other personnel issues. Authorities also were looking for paperwork involving drug arrests, search warrants, the use of confidential sources, seizures of money and property, and the work schedules and mileage claims of individual police officers.

Evidence uncovered Monday indicates that drugs were often seized without proper warrants or record keeping, McAfee said, and that there is little accounting for what happened to it afterward.

In addition to the police department, authorities are focusing on what happened in the Sharrett home on Lee Street.

Councilman Andy Sharrett shares the home with two family members implicated in the search warrants. His father, Owen "Dude" Sharrett, is head of the town's parks and

recreation department. His mother, Belinda Sharrett, is a bookkeeper at town hall.

The warrants seek saliva samples from all three Sharretts, in addition to various records and paperwork that might have been in their home.

Cooper's home also was searched Monday, and he and Surber will be required to submit saliva samples.

Police also are seeking DNA samples from two other people, and McAfee said the investigation could extend beyond the six people named in search warrants executed Monday.

A 60-page affidavit that details what investigators have found to date -- and which convinced a judge that there was sufficient evidence to issue the 12 search warrants -- remains sealed in Wise County Circuit Court. What's known is that authorities are investigating the following crimes: voting more than once in the same election, theft of ballots and other voting records, aiding or abetting in the violation of absentee voting procedures, and hindering a citizen's right to vote -- a charge that has been used to allege vote buying.

Nearly 20 percent of the votes cast in the town election were by absentee ballot, nearly four times the state average.

McAfee said he might be ready to seek charges by the end of February. But that could depend on whether state police continue to discover illegal activity they were not aware of, as happened Monday.

"We're going to investigate everything," the prosecutor said, "because we can't trust any of it."

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**VIRGINIA MEETING & CONFERENCE PLANNER**

## **14 charged in election fraud receive warning**

***Judge orders them to avoid 100 witnesses in town of Appalachia***

BY KATHY STILL

MEDIA GENERAL NEWS SERVICE

Wednesday, March 15, 2006

WISE -- The tiny town of Appalachia got smaller yesterday for the 14 people indicted last month on charges of scheming to rig the 2004 Town Council race.

Mayor Ben Cooper, Councilman Andy Sharrett and the others indicted received a warning from Circuit Judge Tammy McElyea during their arraignment to stay away from those named in a five-page list of witnesses and absentee voters.

All pleaded not guilty and waived their right to a speedy trial. The judge set an Oct. 3 trial date.

They could be jailed if they contact the people on the list. However, avoiding more than 100 people in a town of 1,800 could prove difficult for those accused in the scheme, which authorities say involved buying votes to put Cooper in power so others could get town jobs or freely break the law.

Appalachia, once a bustling town surrounded by vibrant coal camps, now has just one bank, one grocery store, one post office, one Dollar General store, a couple of convenience stores, two traffic lights and a handful of specialty shops.

The town has plenty of churches. Still, some of those charged worship at the same places as the people they've been warned to avoid.

Patti Page Church, the mayor's attorney, summed up the situation for the judge near the end of the 90-minute arraignment.

"It's a very small community," she said. "It's a mile from traffic light to traffic light. The chances of running into somebody on this list at church or the Payless Supermarket are good."

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Tim McAfee, the special prosecutor who asked the court to prohibit contact, agreed with Church. He said a chance encounter on a grocery-store aisle would not be a concern.

It would be a different matter if one of the 14 charged initiated contact, McAfee said.

Some of those charged serve as volunteer emergency-medical technicians. Their attorneys asked the judge and the prosecutor to clarify what would happen if their clients responded to an emergency involving someone on the list.

Provide the care needed and avoid other contact, the judge said.

"This is probably going to be a very complicated matter," she said.

The first hour of the arraignment was chaotic. Nearly as many lawyers as those charged milled around the courtroom chatting with one another and with prosecutors. They talked with the judge at the bench and made it impossible for people to follow the proceedings.

The room settled down when paperwork was completed. The lawyers and those charged gathered around the judge's bench for the arraignment.

McElyea warned those charged not to miss a pretrial hearing or any court appearance.

The 14 were named in a 300-page indictment alleging election fraud and related charges. The indictment includes 269 counts.

In addition to the mayor and the councilman, police Capt. Ben Surber, Officer Mike Baber and town workers Belinda Sharrett and her husband, Dude Sharrett, were indicted. The four employees were suspended without pay by the Town Council this month.

Other members of the Sharrett family -- Adam Brody Sharrett, Betty Chloe Bolling, Dennis "Boogie" Sharrett and Kevin Sharrett -- also face charges. Bolling was not arraigned yesterday because of an illness. She will be arraigned later.

Former mail carrier Don Estridge and voters Betty Riddle, Krystal Turner and Natasha Mullins also face charges in the vote-buying conspiracy.

Cooper has resigned as town manager but not as mayor.

Kathy Still is a staff writer for the Bristol Herald Courier.

017407

July 05, 2005

## NURSING HOME MAIL BALLOT FRAUD

Back in February I reported on a tip from a reader who wrote that a family member who is legally incompetent and living in a Lynnwood nursing home had voted by mail last November.

we found out my wife's' uncle who is declared 'incompetent' by the State and has a legal guardian, voted and is now a PAV as well. Besides being blind with cerebral palsy he cannot read nor write.

I now have documents from the Snohomish County Auditor confirming the reader's story. It strongly suggests that some of the caretakers at the nursing home conspired to fraudulently vote on behalf of individuals who weren't capable of voting.

Wallace Murphy, 77, is the disabled man whose family sent me the tip. This set of documents includes a court filing showing that Mr. Murphy has been declared to be an "incapacitated person" with a guardian, which under current state law means that he's legally ineligible to vote.

Nevertheless, the caretakers at the Manor Care facility in Lynnwood registered him to vote and voted on his behalf. Mr. Murphy's relative stressed that his mental capabilities are diminished and indicated that he was almost certainly taken advantage of

Current events have really no meaning as you might inquire about who is the President and he may say Kennedy or Reagan or whoever you say at the time. This set of documents includes the voter registration forms and absentee ballot outer envelopes for Mr. Murphy and six other Manor Care residents. All of the registration forms were filled out on March 9, 2004 in the same handwriting and by someone who had access to the residents' Social Security and WA state ID numbers.

Take a look at Murphy's registration card (page 1) and his absentee ballot envelope (page 3). His legal name is Wallace J. Murphy, but he was registered as Wally I. Murphy. The "signature" on his registration form (again, he never learned to write) does not match the "signature" on his ballot envelope. The witness was the same for both signatures.

Other interesting aspects of these registrations --

\* In most cases, the signatures on the registration forms do not match the signatures on the ballot envelopes.

\* Whoever pre-filled the registration forms assumed that the residents didn't have a driver's license, entering "N/A". Somebody went back later and where applicable overwrote this with an ID number. I looked up these numbers at the

**DOL:** None of these are driver's licenses. The few that actually check out are **identification cards.**

\* Some of the signatures purportedly from different individuals look suspiciously similar.

\* It's possible that some of the other individuals who were registered on March 9 are otherwise qualified to vote but simply needed a little help with the mechanics, but I doubt that all of them were competent to vote. I tried to call one of them and it was clear he/she didn't have the mental capacity to have a telephone conversation.

\* The Snohomish County Auditor was also negligent here. Three of these absentee ballot signatures clearly don't match the registration signatures -- Murphy, Rosen and Erickson -- and the ballots were witnessed by someone from Manor Care. But state law requires that a witnessed absentee ballot have two witnesses to be counted. Nevertheless, these voters were credited and their ballots appear to have been counted.

The state legislature in its paroxysm of "election reform" legislation actually did address the issue of vote fraud by nursing home officials who take advantage of the mentally incapacitated -- they passed a law to ensure that it's going to happen more often than ever before.

Posted by **Stefan Sharkansky** at July 05, 2005 10:36 AM | [Email This](#)

017409

Original Story URL:

<http://www.jsonline.com/story/index.aspx?id=408760>

## **A felon but not a fraud: No charges for voter with prison I.D.**

By GINA BARTON  
[gbarton@journalsentinel.com](mailto:gbarton@journalsentinel.com)

*Posted: March 16, 2006*

Federal prosecutors have dismissed a fraud charge against a convicted felon who voted in the November 2004 election after learning that he had shown his prison I.D. as proof of identity at the polls.

*Advertisement* Derek G. Little was charged in July with a federal felony because he voted despite being on supervised release for a felony conviction of maintaining a drug trafficking place. Felons are ineligible to vote while they remain under court supervision.

Little, 45, admitted that he voted, according to court records. But Little recently proved that when he registered at the polling place on the day of the election, he presented his Department of Corrections identification card, which spells out "OFFENDER" in bold letters. According to the government's motion to dismiss the indictment, that action would have made it difficult to prove Little acted "willfully and with the intent to defraud state residents of a fair and impartially conducted election process."

"I expect that should have raised a red flag," city Election Commission Executive Director Susan Edman said of the prison I.D. "That shouldn't have been accepted, really."

gmtoday

## Democrats submit complaint against Newcomer

*Vote fraud alleged; Newcomer says he checked with state*

By BRIAN HUBER - GM Today Staff

January 4, 2006

WAUKESHA - The Democratic Party of Waukesha County is seeking a special prosecutor to investigate its allegations 33rd state Assembly District candidate Scott Newcomer engaged in voter fraud.

Newcomer dismissed the complaint Monday as being "politically motivated," saying he checked with an attorney for the state Elections Board on whether he could vote from a Delafield address where he plans to build a house.

The Democratic Party sent a complaint and letter to District Attorney Paul Bucher alleging Newcomer, who lives in Elm Grove, voted in the Dec. 13 primary election for the Assembly seat using a Nagawicka Road address in Delafield. Democratic Party Chairman Rick Congdon said in a release the property is occupied only by a backhoe.

"Unless Scott Newcomer was living in the cab of the backhoe on his vacant lot," he could not have legally voted from that address, Congdon said in the release.

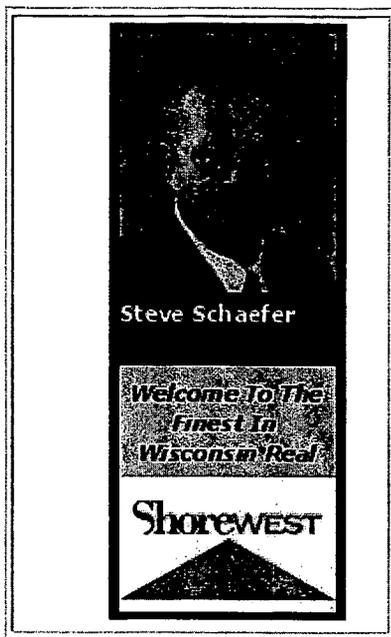
Congdon asked Bucher to appoint a special prosecutor for the case because political consultant R.J. Johnson is advising both Bucher and Newcomer in their respective campaigns. Bucher is running for state attorney general.

Newcomer said the residency issue was raised as part of the primary campaign. Newcomer said he recently bought the property, stayed there for the summer and September and had the house razed so a new one can be built.



**Scott Newcomer, winner of the 33rd Assembly District Republican primary election, greets supporter Jim Somers on December 14 at his victory party at Seven Seas restaurant in Hartland.**

017411



He said he obtained an opinion from George Dunst, attorney for the state Elections Board, that said he could vote from the Delafield address if he did not vote from the Elm Grove address.

"I did my due diligence up front knowing there might be an issue with my residency and my voting," he said, adding that he also voted in the Oct. 18 county executive election from the Delafield address.

Bucher said he had not received a copy of the complaint as his office was closed Monday for the New Year's holiday.

"Procedurally if they are going to file a complaint by the media it kind of tips their hand as to motive and agenda," Bucher said. "The fact they filed it with the media rather than my office tells me it's politically motivated."

But Bucher said he would review the complaint and determine whether a special prosecutor is needed.

"We are putting the cart before the horse in this case, which I don't like to do. If A, B, and C occur, I probably would request a special prosecutor, but until I review the complaint, talk to George Dunst and see the substantive aspects of the complaint, it'd be professionally inappropriate to say what I would do. ... I will review it in the ordinary course as always and act appropriately."

Newcomer, who faces Democratic challenger Patrick Byrne in the Jan. 10 election for the 33rd District seat, said he was not worried about the complaint.

"He (Congdon) is trying to create a formal issue out of it and it's just politics," he said. "It's part of the game."

*Brian Huber can be reached at [bhuber@conleynet.com](mailto:bhuber@conleynet.com)*

*This story appeared in The Freeman on January 3, 2006.*

017412

## **Most West Virginia Residents Believe Vote Buying a Problem**

Posted 12/22/2005 06:00 AM

**According to a poll commissioned by The State Journal, 69 percent of registered voters in West Virginia believe vote buying happens either very often or somewhat often.**

Story by Beth Gorczyca

Ask most West Virginians whether corruption and vote buying mar political races, and about seven times out of 10 people will say yes.

They just don't think it happens in their neck of the woods.

According to a poll commissioned by The State Journal, 69 percent of registered voters in West Virginia believe vote buying happens either very often or somewhat often. About 21 percent of voters say they don't think it happens very often, and 2 percent say it never happens.

When asked whether voter fraud occurs in their home county, voters are a little more optimistic. About 9 percent said it never happens in their county, while 31 percent said it doesn't happen very often. A combined 49 percent said votes are bought either somewhat or very often.

"It's a little concerning that 69 percent of people believe vote buying occurs," said Mark Blankenship, senior vice president of RMS Strategies, the Charleston-based research company that conducted the poll from Nov. 22 to Dec. 1.

RMS Strategies interviewed 400 registered voters in West Virginia for the poll. The margin of error is plus or minus 4.9 percentage points.

Blankenship said residents' perceptions about how often voter fraud occurs in their communities differ based on where they live.

"Southern West Virginians are more likely to believe vote buying and political corruption happens very often in their county, while people living in the Northern Panhandle are less likely to believe its happening," Blankenship said.

Specifically, 11 percent of Northern Panhandle residents believe political corruption happens very often compared to the 35 percent of southern residents and between 14 and 16 percent of residents in the Eastern Panhandle, north-central region and the eastern mountains. About 23 percent of residents in the metro area between Charleston and Huntington believe voter fraud occurs very often.

Blankenship said some of those differences may be linked to the amount of attention vote buying and political corruption have received in different regions during the past several months. Newspapers and television stations in the Charleston-Huntington area, as well as the southern region, have had numerous stories about elected officials investigated for election tampering, bribery and other charges. Several public officials from Lincoln and

Logan counties have been sent to jail.

In the poll, voters were asked how much they have read, seen or heard relating to political corruption in West Virginia.

Only 5 percent of people from the Eastern Panhandle said they had heard a lot about the issue, compared to 29 percent in the Charleston-Huntington area.

Overall, 56 percent of residents said they had either heard very little or nothing about political corruption in recent months. Forty-four percent said they had heard either some or a lot about the issue.

"There has been a lot of media attention about election corruption ... but awareness is tough to achieve," Blankenship said. "But since the allegations were first made, nearly half of the entire sample is aware of the issue."

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017414

Pittsburgh Post-Gazette  
**News from The Associated Press**

Dec 30, 3:08 PM EST

## **Sixth Lincoln resident pleads to election fraud**

By LAWRENCE MESSINA  
Associated Press Writer

CHARLESTON, W.Va. (AP) -- The final defendant pleaded guilty Friday in the federal case alleging election fraud in Lincoln County, though prosecutors don't consider their investigation closed.

Wandell "Rocky" Adkins admitted that he distributed \$6,000 in cash to two precinct captains to buy votes during last year's Democratic Party primaries. Bribed voters were also given a slate, or list of candidates for whom they were to cast ballots.

Adkins, 50, said he got the money from Gregory Brent Stowers, who was Lincoln County's circuit clerk before resigning Thursday and pleading guilty in the case. Stowers, who also stepped down from the state Democratic Party's executive committee, admitted to providing Adkins with the cash.

Adkins, of Ferrellsburg, pleaded guilty to a charge filed Friday by prosecutors, who in exchange have agreed to dismiss the six counts in the pending indictment that target him. As part of the plea deal, Adkins has agreed to cooperate with prosecutors and faces up to two years in prison at a March 15 sentencing. He remains free on bond.

Adkins is the last of six defendants in the case to plead guilty this week; they had been slated for trial Jan. 3. But hints that Stowers, 48, was negotiating with prosecutors last week prompted a rush of guilty pleas, starting with Lincoln County Assessor Jerry Dale Weaver on Tuesday.

Weaver, 56, admitted to the case's core allegation: that a group in Democrat-dominated Lincoln County routinely conspired to buy votes in elections dating back to 1990 to retain control of county offices.

Prosecutors allege that led by Stowers, the conspirators sought to keep power so they could fix traffic tickets, parcel out road gravel and asphalt, tamper with property tax assessments, offer public jobs and otherwise peddle influence in the region.

"I've collected and given out cash to buy votes. I've given gravel for votes," Stowers said in a statement issued after Thursday's guilty plea.

The vote-buying probe began last year in Logan County, where the officials who resigned and pleaded guilty have included the county sheriff and the city of Logan's police chief.

017415

Earlier this month, Logan County Clerk Glen Dale "Hound Dog" Adkins pleaded guilty to selling his vote for \$500 in the 1996 Democratic primary.

Stowers and other defendants in both the Logan and Lincoln county cases have agreed to cooperate with prosecutors investigating election fraud.

"We will follow all leads that are presented to us," Acting U.S. Attorney Chuck Miller said at a Thursday news conference.

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**ELECTION 2000**

## Half of Americans see Demo vote fraud

WND/Rasmussen Survey shows most suspect government databases abused

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*Editor's note: Following is the second in a series of monthly public-opinion surveys conducted by Rasmussen Research/ Portrait of America in partnership with WorldNetDaily.com. This is the first such partnership between a major polling firm and an independent Internet news company.*

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By Julie Foster

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A national survey conducted by Rasmussen Research on behalf of WorldNetDaily.com shows nearly half of Americans believe the Democratic Party is most responsible for voter fraud, and two-thirds of those sampled suspect government files and databases are subject to misuse during political campaigns.

The scientific telephone sampling of 1,000 voters taken last weekend found that 48.8 percent of respondents believed the Democratic Party was more culpable in alleged voter fraud, while only 15.7 percent believed the Republicans were.

Ironically, more of the respondents had voted for Al Gore for president than for George Bush. Of those sampled, 48.1 percent had cast their ballots for Gore and 46.5 percent had supported Bush.

A whopping 66 percent of those sampled said they believe government files and databases are abused in political campaigns, while only 12.7 percent said they were not.

Younger voters were more inclined to believe voter fraud and irregular voting practices -- including the intentional casting of illegal ballots -- were widespread problems in the U.S. electoral system. They were also more likely to suspect misuse of government resources in campaigns.

Asked if young people could have confidence in a system they view as corrupt, Karen Saranita of the Institute for Fair Elections responded, "How could anybody?"

"People misunderstand the term voter fraud," she said. "Fraud is a precise legal term. It is a criminal intent to do something illegal." Saranita, who heads the non-partisan organization, explained that when someone votes twice, that's voter fraud. Someone

registers their dog, that's voter fraud. Someone who's not a citizen voting, that's voter fraud. That's not what's going on in Florida." Instead, that state's predicament is a question of process -- which kinds of chads will be counted and which will not, she said.

Though the WND/Rasmussen survey polled voters around the country, Saranita believes most participants likely had Florida in mind given the massive media coverage of events there.

The Florida Supreme Court recently decided to allow selected counties to finish their hand recounts, as long as the counts are completed and reported by 5 p.m. Sunday. However, the court set no uniform standard as to which kinds of chads -- dimpled, "pregnant," or hanging -- should be counted.

"I'm afraid [the situation in Florida] is really going to undermine what little confidence people have in our system," Saranita continued. "Maybe it will be a wake-up call. My experience says it won't. My experience says that six months from now it won't be an issue" due to America's "short attention span."

As for Americans' overwhelming finger-pointing at Democrats when assigning blame for voter fraud allegations, Saranita said the poll results could be explained by bad public relations on the part of the Democratic Party and Vice President Al Gore's campaign. A 5-page memo circulated by Gore staff provided tips on how to challenge, and ultimately throw out, military absentee ballots that historically favor Republicans. Additionally, Gore's repeated calls for recounts have reflected badly on Democrats, she said.

"In some ways, people may see that as fraud. That could have a lot to do with it. It's a mess. It's embarrassing. It's going to make for some rather loud Thanksgiving dinners," said Saranita.

The survey, taken on Nov. 19, has a margin of sampling error of +/- 3 percentage points with a 95 percent level of confidence.

This is WND's second poll in conjunction with Rasmussen/Portrait of America. The first poll, conducted in August, surveyed Americans on the proper role of the press in a free society.

- *If you would like to sound off on this issue visit WND's daily poll.*

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*Julie Foster is a contributing reporter for WorldNetDaily.*

## All-mail voting may cut fraud

**By Keith Ervin**  
*Seattle Times staff reporter*

King County Executive Ron Sims' proposal for all-mail voting could reduce the possibility of fraud by election workers, a leading critic of electronic voting says.

Bev Harris, founder and executive director of Renton-based Black Box Voting, said voting by mail would eliminate more than 500 tamper-prone voting machines. It also would allow the county to buy more secure high-speed counting equipment, she said.

Sims last week proposed to simplify elections in 2006 or 2007 by ending poll voting at all but a handful of regional centers. He cited voters' trend toward mail voting, with 70 percent of county voters casting absentee ballots in November's general election.

Sims has asked Elections Director Dean Logan to submit a plan for mail voting by Jan. 31. The switch would require approval by the County Council.

Harris, the nation's best-known promoter of improved safeguards against election rigging on computerized voting equipment, will meet with Sims Wednesday to discuss ways of improving election security in King County.

Logan and Harris have disagreed often on election-security issues, but they agree on one thing: The county should acquire high-volume, digital-scan counting machines if it becomes the largest vote-by-mail county in the nation.

"There's no question that for a county the size of King County we would need a higher-speed tabulation system than we have now. She's right. That's the next iteration," Logan said.

Harris likes the new digital technology because the counting machines would record an electronic image of every ballot cast — images she said citizens could review to verify the vote counts reported by the county.

"This is the best example in voting of how you can actually use technology to make it more transparent and also, I think, make it more efficient. It's wonderful," Harris said.

The state Republican Party has opposed all-mail voting in King County, saying signature-verification procedures now in use are inadequate to confirm a voter's identity.

Harris said all-mail balloting would eliminate the county's "most serious vulnerability" to a rigged election: the 500-plus polling-place inspectors who take voting machines home for up to a week before each election. Inspectors are responsible for delivering voting machines, ballots and other supplies to polling places on Election Day.

The security of those voting machines, manufactured by Diebold Election Systems, became a national issue this month when a computer-security expert used a credit-card-sized memory card to reverse the outcome of a simulated election in Leon County, Fla.

The mock election was arranged by Black Box Voting.

Diebold and King County officials say the Florida test ignored a number of safeguards that are designed to prevent and detect vote tampering.

There is no evidence that memory cards have been maliciously reprogrammed in a real election. Cards can't be removed from voting machines without breaking a numbered plastic seal.

But Leon County Elections Supervisor Ion Sancho said the mock election was disturbing because neither the Diebold voting machine nor the Diebold central tabulator showed any evidence of tampering.

"Quite frankly, this is a hole I could drive a Mack truck through," Sancho said. "I could rig elections, leave no fingerprints, and how would the voters ever know?"

Sancho said Leon County is switching from Diebold to rival vendor Election Systems & Software, and plans to discontinue sending voting machines home with poll workers.

In the mock election, Finnish security expert Harri Hursti reprogrammed a memory card in a Diebold AccuVote machine so that it reported election results that differed from the ballots that were put into the machine.

Harris said, after observing King County's insertion of memory cards into AccuVote machines before the Nov. 8 election, that controls were inadequate to prevent election workers from secretly replacing some legitimate cards with tampered cards.

Diebold spokesman David Bear said results were altered in the Leon County mock election only because officials there violated standard election practices by giving the testing team "complete and unfettered access" to a counting machine.

Although some people "are going to believe conspiracy theories," Bear said, "we have to believe what history tells us. The systems are safe, they're secure, they're accurate. They've been validated by voters, by election officials, by institutes of higher learning, by the market."

King County Elections Assistant Director Sherril Huff Menees said it is "a pretty far-fetched supposition" to suggest that anyone could throw an election without getting caught.

Paper ballots are used for manual recounts of three precincts chosen by the major parties after every election, and recounts of all affected precincts are also required by law in close races.

Diebold has been a target of electronic-voting critics since 2003, when Harris discovered computer source code for the company's voting equipment on the Internet. She said some other manufacturers' voting equipment also may have serious security problems.

Wally O'Dell resigned this month as president and CEO of Diebold Inc., parent company of Diebold Election Systems, after stock prices fell.

*Keith Ervin: 206-464-2105 or [kervin@seattletimes.com](mailto:kervin@seattletimes.com)*

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017421

Friday, January 7, 2005

## **Dead voted in governor's race King County investigating 'ghost voter' cases**

By PHUONG CAT LE AND MICHELLE NICOLOSI  
SEATTLE POST-INTELLIGENCER INVESTIGATIVE REPORTERS

At least eight people who died well before the November general election were credited with voting in King County, raising new questions about the integrity of the vote total in the narrow governor's race, a Seattle Post-Intelligencer review has found.

The evidence of votes from dead people is the latest example of flaws in an election already rocked by misplaced votes and allegations that there were thousands more votes counted than actual voters.

County officials say they are investigating the cases pointed out by the P-I. "These are not indications of fraud," said Bill Huennekens, King County's elections supervisor. "Fraud is a concerted effort to change an election."

The P-I review found eight people who died weeks before absentee ballots were mailed out, between Oct. 13 and 15, but were credited with voting in King County. Among them was an 81-year-old Seattle woman who died in August but is recorded as having voted at the polls.

The state is required by law to send monthly lists of the deceased to county auditors so they can purge those names from their voter rolls. But those lists are sent only every few months. That means thousands of deceased voters may have been sent absentee ballots.

"If we don't receive a notice that they're dead, then we have no way of taking them off the rolls," said Dean Logan, the county's elections director. Relatives of the deceased can and do cancel some registrations, he said.

Doris McFarland said she voted for her husband, Earl, who died Oct. 7.

"I called up the elections board and said, 'Can I do it because he wanted me to vote?' " the Duvall woman said. "The person ... said, 'Well, who would know?' I said, 'I don't want to do anything that is wrong.' "

Huennekens disputed that election workers would say such a thing.

McFarland said she signed her husband's name and mailed in his ballot, along with her own. She said she had power of attorney for her 92-year-old husband, who was blind.

"If I did something that wasn't right, you can just throw that ballot out," McFarland said last night.

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Huennekens said one of the P-I's eight cases involved an administrative error that showed a deceased person as voting and would be corrected. In four cases, the signatures on the ballot matched. Huennekens said officials needed further information or could not track down enough information on the other cases.

Election officials said that if cases merit potential fraud, they would forward them on for prosecution.

King County keeps a voter list as a record of who voted in elections and to establish requirements for levies and bonds, Logan said.

The preliminary voter list shows that Mary Coffey mailed in a ballot. But the 51-year-old Seattle woman died about two weeks before absentee ballots were mailed.

"She couldn't have (voted). She died on Sept. 29," said her husband, Michael Coffey. He added that he voted by mail, but destroyed his wife's ballot when it arrived in the mail.

"I don't see how she could have voted. It doesn't make sense. There has to be some kind of error that happened."

Election officials were still looking into what happened in her case.

Bob Holmgren said yesterday that he voted on behalf of his late wife, Charlette Holmgren, who died Sept. 29. The West Seattle man filled out his own ballot and hers, and signed both of them.

"Her vote was important to her," Holmgren said. "She was very strongly against Governor-elect Gregoire." Election officials said all signatures on absentee ballots were doubled-checked against the signature on record.

"Our system of allowing people to vote absentee and never checking anything is designed for voter convenience at the expense of security," said Chris Vance, chairman of the state Republican Party.

He said the GOP has found cases of dead people casting ballots, and it plans to challenge the race results.

Votes from the 2004 election have been heavily scrutinized. With Democrat Christine Gregoire set to take office on Wednesday, Republicans are searching for ways to contest the election and force a revote.

Kirstin Brost, spokeswoman for the state Democratic Party, said, "We're very satisfied with the results of this election. It's the most closely examined election in our state's history."

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James M. Courneya of Auburn died three months before the election. But the King County voter list shows that he voted absentee.

"He couldn't have. He died Aug. 7," said his wife, Anna Courneya, who resides at the same address as her late husband. She said her husband didn't receive a ballot but she did. She voted absentee but the King County voters list doesn't register her vote, only his.

Huennekens said Anna Courneya voted using her husband's ballot, and because she didn't cast a separate one, that ballot was valid.

The state Health Department sends out lists of the deceased "every two to three months," not every month as the law states, said Jennifer Tebaldi, who helps oversee the department's vital statistics operation.

"We have an informal understanding with the counties that we send it when there's a bulk of information to send."

County auditors received lists of the deceased from the state three times last year -- on Jan. 28, May 5 and Nov. 1, a day before the election. Most of the names they received in May were of people who died in 2003, because of a lag of four to six months in collecting and sending data.

Secretary of State Sam Reed said a statewide voter database, expected in 2006, would improve the process.

He said he hasn't seen the problem of dead people voting occur in Washington. Voter fraud is a serious crime that may be punished with up to 10 years in prison and up to a \$10,000 fine, he said.

"We do not expect people to sit down and vote a ballot just because it happens to arrive in their homes," Reed said. "Double-checks are in place."

Rosalie B. Simpson, 81, died of a massive heart attack Aug. 4, but voter rolls show she voted at the polls.

If a voter dies after having voted, it's still perfectly legal, Logan said.

Owen Skau of Federal Way made his choices before he died last October, said his wife, Maya.

"He filled it out," she said. "He always voted. ... He filled out his vote before he fell and had a heart attack. But he had it filled out. I went ahead and mailed it in."

Other voting problems may also be raised. Timothy Harris, general counsel for the Building Industry Association of Washington, which is preparing a court challenge of the

governor's race, said his group has documented about 50 felons who did not have their voting rights restored but voted in Pierce County.

**P-I investigative reporter Phuong Cat Le can be reached at 206-448-8390 or [phuongle@seattlepi.com](mailto:phuongle@seattlepi.com)**

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## **55,000 dead or duplicate voters deleted from state database**

**By Andrew Garber**  
*Seattle Times Olympia bureau*

OLYMPIA — The Secretary of State's Office has deleted about 55,000 registrations from Washington's voter rolls after finding duplicate records and dead voters with the aid of a new statewide database.

The database, put in place earlier this year, allowed the state to find 19,579 dead people still on the rolls and 35,445 duplicate voter records.

"It's a critical piece to help regain the trust and confidence of the voters of the state of Washington," Secretary of State Sam Reed said Friday. "I think we are slowly but surely rebuilding trust in the system."

Voter confidence was shaken in 2004, when Democratic Gov. Christine Gregoire narrowly beat Republican Dino Rossi after two recounts. The tumultuous election was replete with lost ballots, mismatched signatures, and dead people and convicted felons casting ballots. Rossi challenged the election in court and lost.

Several changes were made by the state Legislature to help keep the problems from happening again, including moving the primary back from the third Tuesday in September to the third Tuesday in August, starting in 2007. That move is expected to give election workers more time to get out absentee and overseas ballots to voters for the general election.

The scrub of the state database found few cases of potential voter fraud. About 30 cases of possible double voting were forwarded to county officials for investigation, Reed said.

The database was paid for with federal money as part of the national 2002 Help America Vote Act. It consolidates individual lists kept by the state's 39 counties into one database.

The information can be cross-checked with records at the state Department of Licensing, the Department of Health, the Department of Corrections and the Social Security Administration.

Booker Stallworth, a spokesman for the Evergreen Freedom Foundation, disagreed that the database will help restore voter confidence.

"The problems we experienced in the 2004 election, that fiasco, have not been addressed in a systematic way," he said. "There are things that can be done that can actually restore voter confidence in the system."

For example, his group advocates requiring all registered voters in the state to supply their legal name and proof of citizenship to guarantee the accuracy of the voter rolls.

Reed said he hasn't pushed for that type of requirement because courts in other parts of the country have viewed such actions as discriminatory.

Reed said his office will do regular checks throughout the year to keep the database up to date and purge names of people who have died or have duplicate registrations. Duplications can occur when people move to a different county and register to vote, but fail to notify officials of the change.

The state also is checking the database for the names of people who are registered to vote and are currently serving time for a felony conviction. So far the state has found about 900 names of people who could be in prison but still are on voter-registration rolls.

"Those are being investigated," Reed said.

A King County Superior Court judge recently struck down a state law that bars felons, who are out of prison, from voting until they have paid all their court-ordered fines and fees. The state is appealing that ruling, but for now Reed's office is not purging those voters.

*The Associated Press contributed to this report.*

*Andrew Garber: 360-943-9882 or [agarber@seattletimes.com](mailto:agarber@seattletimes.com)*

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## SEATTLE POST-INTELLIGENCER

[http://seattlepi.nwsourc.com/local/209406\\_voter26.html](http://seattlepi.nwsourc.com/local/209406_voter26.html)

### Inquiry into 4 possible cases of ballot fraud

3 county residents suspected of voting for dead relatives

Wednesday, January 26, 2005

By MICHELLE NICOLosi

SEATTLE POST-INTELLIGENCER REPORTER

The King County Prosecutor's Office has asked the King County sheriff to investigate four possible cases of voter fraud: three in which county residents are suspected of having voted for dead relatives and one case in which a person is suspected of voting twice.

Officials would not release the names of the people who are being investigated, as they have not been charged with a crime.

The Prosecutor's Office forwarded the cases to the sheriff Thursday. The county elections office reported the cases to the Prosecutor's Office last Wednesday, said prosecutor's spokesman Dan Donohoe.

"We had an initial review of the complaints and determined that we needed some additional investigation," Donohoe said. "It will be a couple of weeks before we can have a decision whether a charge can be filed."

The Seattle Post-Intelligencer reported Jan. 7 that at least eight people who died well before the November general election were credited with voting in King County.

Two people contacted by the P-I -- Doris McFarland of Duvall and Bob Holmgren of West Seattle -- said they had filled in ballots for their dead spouses. McFarland said yesterday that she had no comment; Holmgren could not be reached for comment.

This month, Holmgren said his wife, Charlette Holmgren, died Sept. 29 at 57. He said she had asked her husband of 40 years to vote for her in the event that she was unable.

Bob Holmgren said: "I honored my wife's request. I did her last wish for her. At the time, I really thought, honestly, it wasn't going to make a difference -- this one vote -- but it was going to make a difference for her. Who would ever guess the (governor's race) vote was going to be that close?"

Washington Republicans -- who are suing to have the results of the governor's race thrown out -- say ballots cast for dead voters and by felons, along with other previously reported problems, could easily have affected the outcome of the election.

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Democrat Christine Gregoire defeated Republican Dino Rossi by 129 votes in a hand recount of almost 2.9 million ballots statewide. Rossi had won the initial count and a subsequent machine recount. In a lawsuit, Republicans are trying to prove that mistakes made in the election process invalidate the result.

Donohoe said he could not confirm whether McFarland and Holmgren are among the cases under investigation. If those under investigation are charged and found guilty, they could be sentenced to as much as a year in jail, he said.

---

*P-I reporter Michelle Nicolosi can be reached at 206-448-8217 or  
michellenicolosi@seattlepi.com*

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Karen Lynn-Dyson/EAC/GOV  
09/19/2005 01:05 PM

To Gracia Hillman/EAC/GOV@EAC, Paul  
DeGregorio/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC, Donetta L.  
cc Sheila A. Banks/EAC/GOV@EAC, Amie J.  
Sherrill/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC  
bcc  
Subject Fw: August Progress Report - Eagleton Institute of Politics

Commissioners-

FYI-

Eagleton's August progress report.

Karen Lynn-Dyson  
Research Manager  
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1225 New York Avenue , NW Suite 1100  
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*Tom's docs  
& emails  
Lofgren*

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 09/18/2005



"Lauren Vincelli"  
<Vincelli@rutgers.edu>

09/15/2005 12:04 PM

Please respond to  
Vincelli@rutgers.edu

To kly  
cc tom\_oneill@verizon.net, jdobrich@eden.rutgers.edu  
Subject August Progress Report - Eagleton Institute of Politics

Hi Karen,

Attached is the August progress report in fulfillment of our Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures. Please note, as per your instructions earlier this month, that the financial report will be sent via Fedex under separate cover to: Ms. Dianna Scott, Administrative Officer, EAC. Also attached to the progress report is a finalized list of our Peer Review Group members. If you have any questions regarding this report, please contact Tom O'Neill at (908) 794-1030 or [REDACTED]

Have a great day,  
Lauren Vincelli

Lauren Vincelli  
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Progress Report\_AUGUST2005\_EagletonInst.pdf

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**EAGLETON INSTITUTE OF POLITICS**

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*Contract to Provide Research Assistance to The EAC  
For the Development of Voluntary Guidance on  
Provisional Voting and Voter Identification Procedures*

**MONTHLY PROGRESS REPORT  
AUGUST 2005**

**For  
UNITED STATES ELECTION ASSISTANCE COMMISSION  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005**

September 15, 2005

**Prepared by:**  
Eagleton Institute of Politics  
Rutgers, The State University of New Jersey  
191 Ryders Lane  
New Brunswick, NJ 08901-8557

017432

**Deliberative Process  
Privilege**

## OUTLINE

- Introduction
- Provisional Voting
  - Task 3.5
- Voter Identification Requirements
  - Task 3.10
  - Task 3.11
- Project Management
  - Task 3.1
- Financial Report

## INTRODUCTION

This report describes our progress from August 1 through August 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

Research on Provisional Voting and a draft of reports on the analysis and alternatives were substantially completed in preparation for the September 6 briefing for the EAC. Important reports such as the National Survey of Local Election Officials' Experience with Provisional Voting; Statistical Review Provisional Voting in the 2004 Election; State-by-state Narrative of Developments in Provisional Voting; and the compilation of Provisional Voting statutes, regulations, and litigation from the 50 states, were all completed in August.

We made further progress on recruiting a balanced and authoritative Peer Review Group (which, as this report is written, is receiving all the documents listed above for review). Ingrid Reed of Eagleton will coordinate the work of the Peer Review Group. A list of the members of the Peer Review Group is attached.

This report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to Tom O'Neill at: tom\_oneill@verizon.net or (908) 794-1030.

## **PROVISIONAL VOTING**

Tasks 3.4 – 3.9 in our contract relate to provisional voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed in August, and Task 3.5 is well underway.

**Task 3.5: Analysis and Alternative Approaches. Assess the potential, problems, and challenges of provisional voting and develop alternative means to achieve the goals of provisional voting.**

### **LEGISLATION, REGULATIONS, AND LITIGATION**

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It has provided a base of understanding for the analysis of states' actual experience with provisional voting in 2004, for which the Eagleton team has lead responsibility.

**Description:** The Moritz team has created a 50-state chart to summarize information on provisional voting, compiled statutes, case law and administrative procedures regarding Provisional Voting and is near completion with this research.

**Progress:** We completed the state by state summaries of provisional voting in August. Also complete is a memorandum outlining provisional voting legislative changes since the 2004 election. This material was sent to the EAC as part of the package for briefing on September 6.

**Challenges:** The variety in the form and frequency of provisional voting legislation from state to state makes creating a snap-shot view across states a challenge.

**Work Plan:** The analysis of all the information, data, and survey results concerning provisional voting data will be completed in September, on schedule. The alternatives document should also be complete in September, pending response from the EAC on which direction those alternatives should follow.

### **PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING**

The Eagleton team has researched and compiled a narrative of each state's experience with provisional voting in 2004. The report findings from the survey of 400 local election officials is now complete. The survey results improve our understanding of actual practice in administering provisional voting, including the steps local officials took to prepare for the election.

## PROVISIONAL VOTING NARRATIVES

**Description:** To construct the narratives, a researcher examined newspaper accounts, state websites, and reports from third-party organizations to gather information on the experience with provisional voting in the 2004 election. To organize the information derived from this examination, we created an information system that catalogues information about the states (i.e. whether a state was new to provisional voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combined it with Moritz's collection and analysis of statutes, regulations and litigation.

**Progress:** A state-by-state narrative of developments in Provisional Voting is complete and has been distributed to the EAC and the Peer Review Group. This work has been crucial to the process of constructing our draft analysis and recommendation of alternative approaches for provisional voting required under Task 3.5.

**Challenges:** The primary obstacle to constructing the narratives was difficulty in communicating and obtaining necessary information from various state officials. As a result, the narratives underwent multiple revisions in order to incorporate the most up-to-date material available. Had the Election Day Study been available, this task would probably have been simplified considerably.

**Work Plan:** We completed revisions of the narratives.

## SURVEY OF COUNTY ELECTION OFFICIALS

**Description:** The Center for Public Interest Polling (CPIP) at Eagleton conducted a national survey of county election officials to measure several aspects of provisional voting.

**Progress:** The analysis of the survey results and findings report are complete.

**Work Plan:** We used the information from the survey in drafting the analysis and alternatives document required under Task 3.5.

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## VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of provisional voting, and is becoming the principal focus of our research.

### Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

**Description:** The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

**Progress:** We are refining the 50 state (plus District of Columbia) chart of data on voter identification. So far collected are voter identification statutes for 35 states. Summaries of the existing voter identification statutes have been written for forty states.

**Challenges:** Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

**Work Plan:** The state by state voter identification statute summaries will be completed for the remaining ten states and D.C. and the review of the chart will be completed. Analysis of voter identification data will begin.

### SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern, and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern with

increasing the rigor of voter ID requirements. The next key milestones will be the completion of the state database and drafting the first narratives.

### VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

**Description:** We are creating a database and gathering statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election.

**Progress:** The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. We have also utilized exit poll data collected on Election Day 2004 as a resource for understanding the demographics of voter turnout. The analysis of that data is underway.

**Challenges:** The main challenges to this task include gathering the complete set of changes to Voter ID laws over the past 5 years, and then incorporating those changes into a sound statistical methodology.

**Projection:** We will continue to work towards resolving the methodology issue, and ultimately produce a final report on this subject. The analysis of the impact that voter identification requirements have upon voter turnout should be completed around mid-September.

## **PROJECT MANAGEMENT**

### **PEER REVIEW GROUP**

**Description:** A feature of our proposal was the creation of a Peer Review Group (PRG). The Peer Review Group will review our research and methodology and provide valuable feedback and suggestions for the direction of our work.

**Progress:** The composition of the Peer Review Group has been determined and the membership has been submitted to the EAC. Additionally, as of the date of this report all PRG members have received their first mailing, which included several reports from our research, and a draft of our analysis and alternatives outline for their review.

**Challenges:** Our timeline for circulating and discussing our research with the PRG has been compromised due to delays in completing the recruitment of members of the group.

**Projections:** We are in the process of scheduling our first conference call with PRG members for the week of Sept. 19, 2005.

### **COORDINATION AND INFORMATION MANAGEMENT**

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

### **INFORMATION SYSTEM**

**Description:** The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding provisional voting and voter identification.

**Progress:** At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. As we near the end of the Provisional Voting research and move into the Voter Identification research, we will re-evaluate the volume of files contained in the Information System and update the system.

**Projections:** The entire project team continues to review all project drafts, and will staff members combine and format all documents and materials in preparation for our final reporting to the EAC.

### **INTRANET**

**Description:** All project team members have signed on to the Intranet site. The Intranet facilitates the exchange of information and collaboration among project participants.

**Progress:** Project team members regularly post drafts, completed materials and spreadsheets online for internal review. The intranet has been extremely helpful to team members and serves as an internal website with announcements and important documents readily available to all team members.

## FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project August 1 - August 31, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer, EAC .

**ATTACHMENT:  
PEER REVIEW GROUP  
FINAL LIST (09/13/05)**

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**Karen Lynn-Dyson/EAC/GOV**

11/14/2005 05:35 PM

To Paul DeGregorio/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Donetta L. Amie J. Sherrill/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Elieen L. Coliver/EAC/GOV@EAC, Bert A.

bcc

Subject Fw: October Progress Report

FYI-

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Research Manager  
U.S. Election Assistance Commission  
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tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 11/13/2005 05:32 PM —



**"Tom O'Neill"**

11/14/2005 05:27 PM

To klyndyson@eac.gov

cc tokaji.1@osu.edu, foley.33@osu.edu, lauracw@columbus.rr.com, Vincelli@rutgers.edu, arapp@rci.rutgers.edu, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, ireed@rutgers.edu, joharris@eden.rutgers.edu, john.weingart@rutgers.edu, rmandel@rci.rutgers.edu, "Johanna Dobrich" <jdobrich@eden.rutgers.edu>

Subject FW: October Progress Report

Tom O'Neill

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

**From:** Tom O'Neill [redacted]

**Sent:** Monday, November 14, 2005 5:26 PM

**To:** klyndyson@eac.gov

**Cc:** Vincelli@rutgers.edu; arapp@rci.rutgers.edu; davander@eden.rutgers.edu; dlinky@rci.rutgers.edu; ireed@rutgers.edu; joharris@eden.rutgers.edu; john.weingart@rutgers.edu; rmandel@rci.rutgers.edu; 'Johanna Dobrich'; tokaji.1@osu.edu; foley.33@osu.edu; lauracw@columbus.rr.com

**Subject:** October Progress Report

Karen,

017441

Attached is the Progress Report for October. Please note that this report includes an attachment showing how our study classifies each state on key variables, such as counting out-of-precinct ballots, requirements for ballot evaluation, and other variables. It also displays how the data we used differs for some states for the vote counts reported by the Election Day Survey. We believe that our data is more accurate and complete (see for example the data for New Mexico and Pennsylvania).

I look forward to responding to any questions or concerns you or others at the EAC may have.

Tom O'Neill



OctoberFinal.doc

017442



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**EAGLETON INSTITUTE OF POLITICS**

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*Contract to Provide Research Assistance to the EAC For  
the Development of Voluntary Guidance on Provisional  
Voting and Voter Identification Procedures*

**MONTHLY PROGRESS REPORT  
October 2005**

**For  
UNITED STATES ELECTION ASSISTANCE COMMISSION  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005**

November 15, 2005

**Prepared by:  
Eagleton Institute of Politics  
Rutgers, The State University of New Jersey  
191 Ryders Lane  
New Brunswick, NJ 08901-8557**

017445  
**Deliberative Process  
Privilege**

## OUTLINE

- Introduction
- Provisional Voting
  - Task 3.5
- Voter Identification Requirements
  - Task 3.10
  - Task 3.11
- Project Management
  - Task 3.1
- Financial Report

## INTRODUCTION

This report describes our progress from October 1 through October 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

In October we focused on finalizing our Provisional Voting analysis paper, including the development of recommendations to the EAC for a draft guidance document and best practices. These policy prescriptions are based on our research and the comments of the Peer Review Group. We completed a careful review of our data to reconcile it with other sources and identify the latest, most reliable information to use in the analysis. (See the attachment to this Progress Report for the details.) The importance of this demanding effort was described in September's Progress Report.

Also in October we revised the schedule for the project in light of the additional time that has been needed for review of earlier drafts by the EAC and the late completion of the Election Day Study. We will seek a meeting with the EAC in the next several weeks to confer about the schedule to complete the project and alternative approaches that could speed the conclusion of our work.

We will submit to the EAC a final draft of our report, a preliminary guidance document, and draft best practices before Thanksgiving. We project that EAC will take 3 to 4 weeks to review and react to that final draft. And we understand that after its review, the EAC will decide if it should move towards issuing a Guidance Document or recommending best practices. If the EAC does decide to issue a Guidance Document on Provisional Voting, the time needed for a review by the advisory boards is likely to delay a public hearing until early February.

This report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to [REDACTED] or by telephone at (908) 794-1030.

### **PROVISIONAL VOTING**

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed in August, Tasks 3.5 and 3.6 are nearing completion.

**Task 3.5: Analysis and Alternative Approaches. Assess the potential, problems, and challenges of Provisional Voting and develop alternative means to achieve the goals of Provisional Voting.**

### **LEGISLATION, REGULATIONS, AND LITIGATION**

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It has provided a base of understanding for the analysis of states' actual experience with Provisional Voting in 2004, for which the Eagleton team has lead responsibility.

**Description:** The Moritz team has created a 50-state chart to summarize information on Provisional Voting, compiled statutes, case law and administrative procedures regarding Provisional Voting and has completed this research.

**Progress:** We have completed the memorandum outlining Provisional Voting legislative changes since the 2004 election and we are continuing to clarify the laws prior to these changes.

**Challenges:** The variety in the form and frequency of Provisional Voting legislation from state to state makes creating a snap-shot view across states a challenge.

**Work Plan:** The final analysis will be sent to the EAC by Thanksgiving.

## PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with Provisional Voting in 2004. The report findings from the survey of 400 local election officials are now complete. The survey results have proven to be instrumental in shaping our understanding of actual practice in administering Provisional Voting, including the steps local officials took to prepare for the election.

### PROVISIONAL VOTING NARRATIVES

**Description:** To construct the narratives, a researcher examined newspaper accounts, state websites, and reports from third-party organizations to gather information on the experience with Provisional Voting in the 2004 election. To organize the information derived from this examination, we created an information system that catalogues information about the states (i.e. whether a state was new to Provisional Voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combined it with Moritz's collection and analysis of statutes, regulations and litigation.

**Progress:** We completed a state-by-state narrative of developments in Provisional Voting and distributed it to the EAC and the PRG. This work has been helpful in understanding the context of the data collected on provisional voting from the states.

**Challenges:** The primary obstacle to constructing the narratives was difficulty in communicating and obtaining necessary information from various state officials. As a result, the narratives underwent several revisions to incorporate up-to-date and reliable information. Now that so many other analyses, including the Election Day Survey, have been released, we were challenged by different interpretations of the same basic facts. But the reconciliation of interpretation and data collection has been invaluable in establishing rigor in our report.

**Work Plan:** We completed revisions of the narratives incorporating comments from the PRG and addressing any discrepancies between our findings and other interpretations of similar information included in other studies.

### PROVISIONAL VOTING STATISTICAL ANALYSIS

**Description:** During October the Eagleton research team continued to check its statistical analysis, and worked to reconcile the classifications of this analysis (such as states counting only those provisional ballots cast within the proper precinct versus states that counted ballots cast within the proper county) with the classification made in other parts of this study or in other studies (such as the Election Day Study or *Electionline* reports).

**Progress:** The effort to double check all of the classifications used in the study is complete. The results of this effort are displayed in the attachment to this progress report, "Characteristics of the Provisional Voting Process -- Classification of the States,"

017446

beginning on page 9. Only Delaware and Arkansas remain unclear in regard to one of the measures, and both states have been contacted to receive clarification in this area..

**Challenges:** The difficulties encountered have been a result of communication delays and time constraints. Some states have been more responsive to our inquiries about their practices than others. Overall, this is not an irresolvable problem but it does slow the process of completion down.

**Work Plan:** By early-November the final revision of the statistical analysis, which includes full reconciliation of all data within the study, will be complete. The reconciliation of data is displayed in the attachment to this progress report.

### SURVEY OF COUNTY ELECTION OFFICIALS

**Description:** The Eagleton Center for Public Interest Polling (CPIP) conducted a national survey of county election officials to measure several aspects of Provisional Voting.

**Progress:** The analysis of the survey results and findings report is complete. As a result of the critique by the PRG, the research team is revising and clarifying the descriptions of the survey design and sample selection process to make the research methods more transparent.

**Work Plan:** We used the information from the survey in drafting the analysis and alternatives document required under Task 3.5. We will include necessary clarifications regarding survey design and sample selection in the final analysis and alternatives document.

<p><b>Task 3.6: Prepare preliminary draft guidance document.</b></p>
--

The report and recommendations now nearing completion constitutes the draft preliminary guidance document. Based on our conversation with the EAC, the draft gives the EAC the option of proceeding with a guidance document or issuing recommendations to the state for best practices, recommendations that would not constitute voluntary guidance. Before proceeding to Task 3.7 (revise the guidance document for publication) or 3.8 (arrange a public hearing on the draft guidance), we will await the EAC's decision on how to proceed.

## **VOTER IDENTIFICATION REQUIREMENTS**

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of Provisional Voting, and is becoming the principal focus of our research.

### **Task 3.10: Legislation, regulations, and litigation**

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

**Description:** The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

**Progress:** The 50 State (plus the District of Columbia) chart has been completed, the voter identification statutes have been collected for all states and D.C., and summaries of the existing voter identification statutes have been written for all states and D.C.

**Challenges:** Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

**Work Plan:** Analysis of voter identification data has begun and will increasingly become the central focus of our work.

### **SUPPLEMENTS TO LEGAL ANALYSIS**

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

## VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

**Description:** We have created a database and gathered statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election

**Progress:** The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. We have also used exit poll data collected on Election Day 2004 as a resource for understanding the demographics of voter turnout.

**Challenges:** The analysis of these data had been postponed until the data reconciliation of Provisional Voting is complete. As a result of the extensive revision and data reconciliation efforts aimed at the Provisional Voting section of our work VID had been temporarily placed on hold. We are now beginning data analysis on the impact of voter identification requirements on voter turnout.

**Work Plan:** The analysis of the impact that voter identification requirements have upon voter turnout should be completed by early December. Early January is our target to deliver the draft report and outline of alternative policies to the Peer Review Group. In mid January, the EAC would receive a draft report and recommendations that take into account the comments of the PRG.

## **PROJECT MANAGEMENT**

### PEER REVIEW GROUP

**Description:** A feature of our proposal was the creation of a Peer Review Group (PRG). It reviews our research and methodology and provides valuable feedback and suggestions for the direction of our work.

**Progress:** Eagleton has stayed in touch with members of the Peer Review Group since the September 21<sup>st</sup> conference call, and has solicited their final comments on the Provisional Voting research. During October, we telephoned two members who did not participate in the conference call to confirm their commitment to serving as members of the Peer Review Group. Profess Guy Charles affirmed his interest. Professor Pamela Karlan did not return the call. The revisions in the schedule for the project have now made it possible to begin the process of scheduling a meeting of the PRG to consider our draft report and recommendations on Voter Identification Issues. We anticipate that meeting will take place the second week of January.

**Challenges:** No new challenges were encountered during October.

### COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

### INFORMATION SYSTEM

**Description:** The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding Provisional Voting and voter identification.

**Progress:** At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. We have reorganized our system by separating final drafts from earlier versions of documents, discarding dated files contained in the Information System, and updating the system as a whole. Upon their completion, new documents continue to be added.

**Projections:** The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

### INTRANET

**Description:** All project team members have signed on to the Intranet site, and regularly post drafts, completed materials and spreadsheets online for internal review. The Intranet facilitates the exchange of information and collaboration among project participants.

### FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project October 1- October 31, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer at the EAC.

## ATTACHMENT TO OCTOBER PROGRESS REPORT

### **Characteristics of the Provisional Voting Process Classification of the States**

Our research on provisional voting divided the various states into several categories to allow an assessment of how different factors may have influenced the process of casting and counting provisional ballots. This analysis was conducted before the release of the Election Day Study, and the categories we used may differ in some respects from its work. The categories analyzed here are:

1. New vs. Old (states that used a provisional ballot before the 2004 election)
2. Use of a statewide database of registered voters vs. no use of a statewide database
3. Counting out-of-precinct ballots vs. not counting out-of-precinct ballots
4. Voter identification requirements
5. Method used to verify provisional ballots
6. Levels of provisional ballots cast and counted

We first assigned states within these categories based on classifications done by Electionline.org in its studies. The Electionline data was the only published information available at the time of our research. We reviewed the Electionline data carefully, and, in select cases, updated it with new, detailed information that had become available after its publication. The changes we made are explained below.

Please note that:

--Idaho, Maine, Minnesota, New Hampshire, Wisconsin and Wyoming were excluded from our analysis. They have election-day registration systems, and did not need to use HAVA-compliant provisional ballots.

--North Dakota does not register voters, so it also was excluded from HAVA requirements and did not use provisional voting.

--Mississippi has not reported its provisional voting results and could not be included in our analysis, though it was compliant in 2004.

--Pennsylvania did not report its totals for the Election Day Study, but we obtained information on Pennsylvania and did include it in our analysis.

## New vs. Old States

We classified states as “new” or “old” based on the 2001 Electionline study of provisional voting<sup>1</sup> and condensing its classifications into a single dichotomous variable, new/old with all other cases excluded. The Electionline study divided states into five categories of their use of provisional ballots in the 2000 election:

1. Use of provisional ballots (P)
2. Limited use of provisional ballots (LP)
3. Affidavit ballots (A)
4. No system in place (N)
5. Unnecessary/Not Applicable (U/NA)

We collapsed all of the states listed as using provisional ballots, limited use of provisional ballots or affidavit ballots as “old” states, because the states in all three categories would have been familiar with key aspects of provisional voting. States that had no provisional voting system in place for the 2002 election, and were HAVA compliant in 2004, were listed as “new” states, as 2004 would have been the first year in which they would be offering the option of provisional voting. States that were listed as unnecessary or not applicable were excluded from this study, as they were exempt from the HAVA regulations in 2004 because they either allowed same-day registration or did not register voters.

Rhode Island is the only state categorized as an old state by Electionline that we moved into the list of new states. Electionline’s map shows Rhode Island as a state that used provisional voting in 2000, but in the state description, it is listed as having no system in place. We learned from the Rhode Island Board of Elections that the state had previously permitted potential voters to sign an affidavit if they did not appear on a precinct’s list of registered voters, but felt they were registered to vote. Based on the signed affidavit, the election official would then contact a county official to see if the voter was on a more complete registration list. If the voter’s name was on the complete list, that voter was permitted to cast a regular ballot. As this process did not grant the voter a provisional ballot, but served as a different type of administrative failsafe, we concluded that Rhode Island’s first use of provisional voting was in 2004 and, therefore, classified the state as “new” to the system of provisional balloting.

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<sup>1</sup> This study can be found at: <http://electionline.org/Portals/1/Publications/Provisional%20Voting.pdf>.

<b>Table 1 CATEGORIZATION OF STATES -- Old vs New</b>		
<b>Old States</b>	<b>New States</b>	<b>HAVA Exempt or NA</b>
Alaska	Connecticut	Idaho
Alabama	Delaware	Maine
Arkansas	Georgia	Minnesota
California	Hawaii	New Hampshire
Colorado	Illinois	North Dakota
DC	Indiana	Wisconsin
Florida	Louisiana	Wyoming
Iowa	Massachusetts	
Kansas	Missouri	
Kentucky	Montana	
Maryland	Nevada	
Michigan	Oklahoma	
Mississippi	Pennsylvania	
Nebraska	Rhode Island	
New Jersey	South Dakota	
New Mexico	Tennessee	
New York	Utah	
North Carolina	Vermont	
Ohio		
Oregon		
South Carolina		
Texas		
Virginia		
Washington		
West Virginia		
<b>26</b>	<b>18</b>	<b>7</b>

Statewide List of Registered Voters

The Electionline preview of the 2004 Election<sup>2</sup> was the starting point for compiling a list of states that had a statewide database of registered voters. That study listed 34 States that did not have their statewide database systems complete, and 16 that did, including the District of Columbia. North Dakota does not register voters, so does not need to compile such a database. Electionline's criterion for concluding that a state had a statewide list was that the state have participation from all jurisdictions in a statewide system. We added Oklahoma to the list of states with statewide databases

<sup>2</sup> "Election Preview 2004: What's changed, What Hasn't and Why". This study can be found at: <http://electionline.org/Portals/1/Publications/Election.preview.2004.report.final.update.pdf>

017453

because we found they had met the Electionline criteria by the 2004 election, albeit too late for inclusion in the Electionline survey.

<b>Table 2</b>			
<b>CATEGORIZATION OF STATES -- Statewide Registration Database</b>			
<b>Had Database 2004</b>	<b>No Database A-N</b>	<b>No Database N-W</b>	<b>HAVA Exempt or NA</b>
Alaska	Alabama	Ohio	Idaho
Arizona	Arkansas	Oregon	Maine
Connecticut	California	Pennsylvania	Mississippi
Delaware	Colorado	Rhode Island	Minnesota
District of Columbia	Florida	Tennessee	New Hampshire
Georgia	Iowa	Texas	North Dakota
Hawaii	Illinois	Utah	Wisconsin
Kentucky	Indiana	Vermont	Wyoming
Louisiana	Kansas	Virginia	
Massachusetts	Maryland	Washington	
Michigan	Missouri		
New Mexico	Montana		
Oklahoma	Nebraska		
South Carolina	Nevada		
South Dakota	New Jersey		
West Virginia	New York		
	North Carolina		
<b>16</b>	<b>27</b>		<b>8</b>

Minnesota has a statewide database but was excluded from the analysis because it did not offer provisional ballots and was exempt from the HAVA requirements.

#### Out-of-Precinct Ballots

We based our classification of states that allow the counting of ballots cast outside the correct precinct on the data in the 2004 Electionline preview of the 2004 election<sup>2</sup>. States that evaluated ballots cast in a precinct where the voter was not registered were categorized as “out-of-precinct.” States that invalidated such ballots were categorized as “In-precinct only.”



**Table 4****CATEGORIZATION OF STATES -- Forms of Identification Required**

*States in italics are exempt from HAVA or did not report Provisional Ballot data and are not included in the analysis.*

<b>Give Name</b>	<b>Sign Name</b>	<b>Match Signature</b>	<b>Provide ID</b>	<b>Photo ID</b>
<i>Maine</i>	California	Illinois	Alabama	Florida
Massachusetts	DC	Nevada	Alaska	Hawaii
<i>New Hampshire</i>	<i>Idaho</i>	New Jersey	Arizona	Louisiana
North Carolina	Indiana	New York	Arkansas	South Carolina
Rhode Island	Iowa	Ohio	Colorado	South Dakota
Utah	Kansas	Oregon	Connecticut	
Vermont	Maryland	Pennsylvania	Delaware	
<i>Wisconsin</i>	Michigan	West Virginia	Georgia	
<i>Wyoming</i>	Minnesota		Kentucky	
	<i>Mississippi</i>		Missouri	
	Nebraska		Montana	
	New Mexico		<i>North Dakota</i>	
	Oklahoma		Tennessee	
	Washington		Texas	
			Virginia	
<b>9</b>	<b>14</b>	<b>8</b>	<b>15</b>	<b>5</b>

South Dakota complicates the effort to assign each state to a category. It permits voters to sign an affidavit that would allow them to vote without presenting photo ID. While Hawaii did not normally require photo ID, its statutes gave challenged voters the opportunity to respond by producing a photo ID.

#### Verification Method

We identified four different ways states assessed provisional ballots to determine if they should be counted: signature match, match voter data, signed affidavits, and bringing back identification later. We gathered information about these verification techniques by checking state websites and consulting journalistic accounts. We consulted state legislation to provide further information where needed.

**Table 5****CATEGORIZATION OF STATES – Ballot Evaluation Methods**

*States in italics are exempt from HAVA or did not report Provisional Ballot data and are not included in the analysis.*

<b>Signature Match</b>	<b>Data Match</b>	<b>Affidavit</b>	<b>Return with ID</b>	<b>NA</b>
Alaska	Alabama	Connecticut	Indiana	Idaho
California	Arizona	Delaware	Iowa	Maine
Florida	Arkansas	Georgia	Kansas	Mississippi
Oregon	Colorado	Hawaii	Maryland	Minnesota
	DC	Illinois	Michigan	New Hampshire
	Louisiana	Kentucky	Montana	N. Carolina*
	Missouri	Massachusetts	New Jersey	N. Dakota
	Ohio	Nebraska	New Mexico	Wisconsin
	Oklahoma	Nevada	Texas	Wyoming
	Pennsylvania	New York	Utah	
	Rhode Island	South Dakota		
	S. Carolina	Tennessee		
	Washington	Vermont		
	West Virginia	Virginia		
4	14	14	10	9

**Data Collection**

To assemble our data for analysis, we began by using the data on provisional votes cast and counted reported by Electionline. To increase the accuracy of this data, we surveyed each state's election websites for updated data, and for reported numbers on the county level. We then sent emails to 49 (we excluded Alaska, see below) states and the District of Columbia, requesting updated data on the number of provisional votes cast and counted by county. We received information from 25 states by our cut-off date of August 25, 2005.

\* North Carolina lacked clear standards to evaluate provisional ballots and is excluded from this analysis.

<b>Table 6</b>	
<b>Updated information by State</b>	
<b>Received Updated Data</b>	<b>Did Not Receive Updated Data</b>
California	Alabama
District of Columbia	Alaska <sup>5</sup>
Florida	Arizona
Hawaii	Arkansas
Indiana	Colorado
Iowa	Connecticut
Kansas	Delaware
Louisiana	Georgia
Maryland <sup>6</sup>	Idaho
Missouri	Illinois
Montana	Kentucky
Nebraska <sup>7</sup>	Maine
Nevada	Massachusetts
New Jersey	Michigan
New Mexico	Minnesota
Ohio	Mississippi
Oklahoma	New Hampshire
Oregon	New York
Pennsylvania	North Carolina
Rhode Island	North Dakota
South Dakota	South Carolina
Tennessee	Utah
Texas	Vermont
Virginia	Wisconsin
Washington	Wyoming
West Virginia	
<b>26 States</b>	<b>25 States</b>

<sup>5</sup> Alaska was not contacted via email, as the state does not have voting districts comparable to counties in other states and could not be matched with comparable census data.

<sup>6</sup> Maryland reported provisional ballots that were counted per county, but not number cast.

<sup>7</sup> Nebraska reported an incomplete list of provisional ballots cast and counted by county, but designated counties by number, rather than by name.

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## Data Differences with Election Day Study

The data used in this study differs from the data reported in the Election Day Study for 19 states. The Election Day Study was not completed until well after our statistical analysis of provisional voting was finished, on the schedule laid out in our work plan. Where there are differences, they are typically very small, usually fewer than 100 votes either cast or counted. Of the 9 states that have differences of more than 100 votes cast or counted, 7 have reported their numbers directly to us and can be considered updated data that EDS had not obtained. For one of those states, New Mexico, EDS had incomplete data, and for another, Pennsylvania, EDS had no data at all. The data that we have collected reflects updated numbers from the states that have changed following recounts and litigation that altered how ballots were evaluated.

State	EDS Numbers Cast/Counted	Our Numbers Cast/Counted	Differences	Updated Info from State?
Alabama	6,478/1,865	6560/1836	82/29	No
Alaska	23,285/22,498	23,275/22,498	10/0	No
Colorado	51,529/39,086	51,477/39,163	52/77	No
Georgia	12,893/4,489	12,893/3,839	0/650	No
Hawaii	346/25	348/25	2/0	Yes
Iowa	15,406/8,038	15,454/8,048	48/10	Yes
Kansas	45,535/32,079	45,563/31,805	28/274	Yes
Montana	688/378	653/357	35/21	Yes
Nebraska	17,421/13,788	17,003/13,298	418/490	Yes
Nevada	6,153/2,446	6,154/2,447	1/1	Yes
New Mexico	6,410/2,914	15,360/8,767	8,950/5,853	Yes
N. Carolina	77,469/50,370	77,469/42,348	0/8,022	No
Ohio	157,714/123,902	158,642/123,548	928/354	Yes
Pennsylvania	No data	53,698/26,092	N/A	Yes
Texas	35,282/7,156	36,193/7,770	911/614	Yes
Vermont	121/30	101/37	20/7	No
Virginia	4,608/728	4,609/728	1/0	Yes
Washington	92,402/73,806	86,239/69,273	6,163/4,533	Yes
Wisconsin	374/119	373/120	1/1	No

Karen Lynn-Dyson/EAC/GOV  
01/20/2006 10:39 AM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC, Donetta L.  
Davidson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC  
cc Thomas R. Wilkey/EAC/GOV@EAC

bcc

Subject Fw: December Progress Report

FYI-

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

--- Forwarded by Karen Lynn-Dyson/EAC/GOV on 01/19/2006 10:36 AM ---



"Tom O'Neill"  
<tom\_oneill@verizon.net>  
01/17/2006 02:19 PM

To klynndyson@eac.gov  
cc john.weingart@rutgers.edu  
Subject December Progress Report

Karen,

Attached is our progress report for December. Still eager to learn the schedule for the completion of the review of our analysis and recommendations on provisional voting.

Tom O'Neill



Progress ReportDecemberTON.doc

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**EAGLETON INSTITUTE OF POLITICS**

*Contract to Provide Research Assistance to the EAC For  
the Development of Voluntary Guidance on Provisional  
Voting and Voter Identification Procedures*

**MONTHLY PROGRESS REPORT  
December 2005**

**For  
UNITED STATES ELECTION ASSISTANCE COMMISSION  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005**

January 16, 2006

**Prepared by:  
Eagleton Institute of Politics  
Rutgers, The State University of New Jersey  
191 Ryders Lane  
New Brunswick, NJ 08901-8557**

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**Deliberative Process  
Privilege**

## OUTLINE

- Introduction
- Provisional Voting
  - Task 3.7
  - Task 3.8
- Voter Identification Requirements
  - Task 3.10
  - Task 3.11
- Project Management
  - Task 3.1
- Financial Report

## INTRODUCTION

This report describes our progress from December 1 through December 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

In December we continued to make progress in the research needed for the draft report on voter identification requirements. We completed a careful review of data on the effect of various voter id regimes on turnout and worked to reconcile that information other sources and identified the latest, most reliable information to use in the analysis.

We still await the EAC's comments on our Provisional Voting analysis paper, which included our recommendations to the EAC for best practices. Since the submission of our Provisional Voting report to the EAC on November 28, 2005, our efforts have been entirely aimed at the completion of the voter identification research. We have been advised that EAC will take several weeks to review and react to our final draft on provisional voting.

As a result of such unanticipated delays we have revised the schedule for the project. Early in this reporting period, we requested from EAC a no-cost extension of the contract through the end of February. At this point, we have extended the no-cost extension request through March, so that we will have adequate time to revise our report once we receive feedback from the EAC.

In the meantime, as we await a response from the EAC, we are moving ahead quickly on the statistical analysis of voter identification data and summarizing the legal research that was

completed earlier. We are working with the Peer Review Group to arrange a date for it to comment on the draft of the Voter ID analysis and recommendations.

This Monthly Progress Report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to [tom\\_oneill@verizon.net](mailto:tom_oneill@verizon.net) or by telephone at (908) 794-1030.

### **PROVISIONAL VOTING**

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Task 3.4 was completed in August, and Tasks 3.5 and 3.6 were completed in November. We await comments from EAC on the draft report.

#### **Task 3.6: Prepare preliminary draft guidance document.**

The report and recommendations which were sent to the EAC on November 28, 2005 recommends against the adoption of a guidance document per se and advises that the EAC adopt its recommendations as best practices. That recommendation followed agreement by the EAC with that course of action. The submission of that report and recommendations, however, constitutes the document required under this task. Before proceeding to Task 3.7 (revise the guidance document for publication) or 3.8 (arrange a public hearing on the draft guidance), we await the EAC's decision on how to proceed.

## VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of Provisional Voting, and is the principal focus of our research at this time.

### Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

**Description:** The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

**Progress:** we have completed: the 50 state (plus D.C.) chart, the collection of voter identification statutes for all states and D.C., and summaries of the existing voter identification statutes. Moritz has completed its review of voter identification litigation and has summarized the results in a memo. Moritz and Eagleton have reviewed all research, clarified the categorization of that research on our charts, and reconciled the research categories used in the two different analyses.

**Challenges:** The biggest challenge in the reconciliation process is understanding the comparative strengths of different primary source materials. Despite the necessity this has created to reconcile conflicting data from time to time, the collaboration has strengthened the rigor of our efforts by shining a light on the raw data.

**Work Plan:** During January, we will continue our analysis of our voter identification research, and we will complete the memo summarizing the major litigation surrounding voter identification requirements. We will identify the most important issues and best practices in the area of voter identification, and to develop our voter identification document for the EAC.

### RESEARCH EFFORTS

To complement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of

HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

In the upcoming month, Eagleton will continue to examine and categorize voter registration forms across the states to see what forms of identification are requested from mail-in registrants in order to highlight how easily accessible states make information about voter identification. The difficulty will be determining the 2004 status of the states, especially because most of this material is gathered from state websites which at this point have been updated since 2004.

#### VOTER ID AND TURNOUT ANALYSIS

The statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters, as projected, was completed during the month of December.

**Description:** We have created a database and gathered statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election. In November, we have analyzed both aggregate- and individual-level data to determine whether there is any relationship between voter turnout and the various forms of voter identification states require.

**Progress:** During December, the analysis was completed for two data sets: County-level data that includes registration and turnout rates for 2000 and 2004, as well as Census measures and indicators of the type of voter identification requirements that were in existence at the time of the 2004 presidential election. The second data set consists of the voter supplement to the November 2004 Current Population Survey. This data set allows for testing of the same hypotheses at the individual level. The findings from the aggregate data set suggest that voter ID requirements have their greatest effect at the registration stage, as opposed to the turnout stage. A number of control variables were added to the analysis and the results of these efforts will be summarized in our report.

**Challenges:** These analyses use hierarchical linear modeling. Because voter identification requirements vary by state, one must pay special attention to other, unseen state-level influences on the data. The models are difficult to run and interpret, so the analyses are time-consuming

**Work Plan:** We will draft the findings from the statistical analyses by the end of January. The report will tie these findings to the research findings summarized in the litigation memos to create our first draft Voter Identification report.

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## **PROJECT MANAGEMENT**

### **PEER REVIEW GROUP**

**Description:** A feature of our proposal was the creation of a Peer Review Group (PRG). It reviews our research and methodology and provides valuable feedback and suggestions for the direction of our work.

**Progress:** During the month of December, Eagleton contacted the PRG Members to reschedule the potential conference call session for mid-February due to the delays in getting the EAC's feedback on our report. We have asked the PRG members to reserve a couple of dates in mid-February for a conference call meeting to review the Provisional Voting report with the EAC's comments and the first draft of our Voter Identification Report.

**Challenges:** No new challenges were encountered during December.

### **COORDINATION AND INFORMATION MANAGEMENT**

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

### **INFORMATION SYSTEM**

**Description:** The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding Provisional Voting and voter identification.

**Progress:** At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. We have reorganized our system by separating final drafts from earlier versions of documents, discarding dated files contained in the Information System, and updating the system as a whole. Upon their completion, new documents continue to be added. During December we rearranged the folders on the hard drive and created a master document detailing which folder each report, memo, or data source could be found in.

**Projections:** The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

01/20/05

## INTRANET

**Description:** All project team members have signed on to the Intranet site, and regularly post drafts, completed materials and spreadsheets online for internal review. The Intranet facilitates the exchange of information and collaboration among project participants.

## **FINANCIAL REPORT**

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project December 1- December 31, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer at the EAC.

3017487

Sheila A. Banks/EAC/GOV  
03/24/2006 02:33 PM

To Bert A. Benavides/EAC/GOV@EAC  
cc  
bcc  
Subject Fw: Voter ID Paper --Final Draft

— Forwarded by Sheila A. Banks/EAC/GOV on 03/24/2006 02:32 PM —

Karen Lynn-Dyson/EAC/GOV  
03/16/2006 08:57 AM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,  
Donetta L. Davidson/EAC/GOV@EAC  
Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.  
Thompson-Hodgkins/EAC/GOV@EAC, Amie J.  
cc Sherrill/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC,  
Sheila A. Banks/EAC/GOV@EAC, Elieen L.  
Collver/EAC/GOV@EAC  
Subject Fw: Voter ID Paper --Final Draft

Commissioners-

Attached please find a copy of the draft Voter ID best practices paper which Eagleton submitted to me last evening.

I will confer with Tom regarding when you would like this put on your Commissioner meeting agenda.

Regards-

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

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 03/16/2006 08:47 AM —



"Tom O'Neill"  
<tom\_oneill@verizon.net>  
03/15/2006 08:21 PM

To klynndyson@eac.gov  
cc "Tim Vercellotti" <tim.vercellotti@rutgers.edu>,  
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foley.33@osu.edu, lauracw@columbus.rr.com  
Subject Voter ID Paper --Final Draft

Karen,

017468

Attached is the final draft of the Voter ID paper, with recommendations for the EAC to consider promulgating as best practices. Two appendices are included as part of the draft and a third, the statistical analysis of the effects of different voter ID requirements on turnout, is attached separately to this email.

We look forward to discussing this final draft with you and with the commissioners on April 3. I'll be preparing a Powerpoint presentation for that meeting. Any guidance you can give me later this month on particular questions that briefing should address would be appreciated.

The Moritz-Eagleton team will be meeting next Tuesday at 9:30 a.m.. If you have preliminary comments you would like us to consider, that meeting would be a most convenient occasion to discuss them.

Tom O'Neill



ReportFinalDraft.doc

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# **REPORT AND RECOMMENDATIONS TO THE EAC VOTER IDENTIFICATION ISSUES**

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## **1. Introduction and Report Background**

This report to the United States Election Assistance Commission (EAC) presents recommendations for best practices to improve implementation of the requirements for voters to show identification pursuant to [statute or regulation citation] It is based on research conducted by the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at Ohio State University under contract to the EAC, dated May 24, 2005. The research included a review and legal analysis of state statutes, regulations and litigation concerning voter identification and provisional voting, a sample survey of local election officials, and a statistical analysis of the effects of various requirements for voter identification on turnout in the 2004 election. This report is a companion to a report on Provisional Voting submitted to the EAC on November 28, 2005 under the same contract.

The Help America Vote Act of 2002 (HAVA) (Public Law 107-252) authorizes the EAC (SEC. 241, 42 USC 15381) to conduct periodic studies of election administration issues. The purpose of these studies is to promote methods for voting and administering elections, including provisional voting, that are convenient, accessible and easy to use; that yield accurate, secure and expeditious voting systems; that afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and that are efficient.

## **2. Voter Identification –Background and Approach of the Study**

Voters may have to identify themselves twice in the electoral process: when registering to vote and then when casting a ballot. The burden of providing required ID documents on the voter may be greater at the polls on Election Day than at the time of registration. The burden of checking ID, even as simple as a signature match, can be much greater on election workers at the polls than on those registering voters. Poll workers may be faced with long lines and limited time. This analysis focuses on ID requirements on Election Day, but with an appreciation that the ID requirements at time of registration and on Election Day are inter-related.<sup>1</sup> The emphasis here is on Voter ID on Election Day and afterwards as election judges evaluate provisional

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<sup>1</sup> As the Carter-Baker Commission noted, photographic ID requirements for in-person voting do little to address the problem of fraudulent registration by mail, especially in states that do not require third-party organizations that register voters to verify identification. Commission on Federal Election Reform, pp 46-47.

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**Deliberative Process  
Privilege**