

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018360



"Stephen Berger"

10/25/2005 03:46 PM

Please respond to
stephen.berger@ieee.org

To gvogel@eac.gov

cc

bcc

Subject RE: FOIA

Gaylin,

It was a pleasure to speak with you this afternoon. I appreciate your time in discussing this issue.

I have reviewed the documents requested under FOIA. I would request that the hourly rate cited in these documents be redacted as that rate for the level of service is a primary point of competition in bidding contracts. Beyond that I do not believe we need to request any other material be withheld.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - (512) 864-3365

Mobile - (512) 466-0833

FAX - (512) 869-8709

From: gvogel@eac.gov [mailto:gvogel@eac.gov]

Sent: Monday, October 24, 2005 3:37 PM

To: stephen.berger@cox-internet.com

Subject: FOIA

Importance: High

Dear Mr. Berger:

On October 12, 2005 you were informed via fax that a third party through the Freedom of Information Act (FOIA) has requested a copy of the contract and corresponding documents with TEM Consulting. The purpose of the letter was to provide you with an opportunity to specify provisions in the responsive documents that you believe are protected from disclosure under FOIA. We required you to identify the specific provisions in the responsive documents and the applicable FOIA exemption. As the EAC did not get such a response, we must assume that you do not have an objection to the disclosure of the contract in its entirety as noted in our initial letter. The EAC is under a tight timeline to respond to FOIA requests. We must respond to this FOIA in the near future. If you believe you have provided specific information, consistent with the above, please let me know immediately.

Thank you,

Gaylin Vogel

Law Clerk

U.S. Election Assistance Commission

1225 New York Avenue, NW Suite 1100

Washington, DC 20005

018361

tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018362

Gaylin Vogel/EAC/GOV
10/24/2005 04:36 PM

To [REDACTED]
cc
bcc
Subject FOIA

Dear Mr. Berger:

On October 12, 2005 you were informed via fax that a third party through the Freedom of Information Act (FOIA) has requested a copy of the contract and corresponding documents with TEM Consulting. The purpose of the letter was to provide you with an opportunity to specify provisions in the responsive documents that you believe are protected from disclosure under FOIA. We required you to identify the specific provisions in the responsive documents and the applicable FOIA exemption. As the EAC did not get such a response, we must assume that you do not have an objection to the disclosure of the contract in its entirety as noted in our initial letter. The EAC is under a tight timeline to respond to FOIA requests. We must respond to this FOIA in the near future. If you believe you have provided specific information, consistent with the above, please let me know immediately.

Thank you,

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Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018363

Gaylin Vogel/EAC/GOV
10/17/2005 09:50 AM

To ~~Gaylin.Vogel@eac.internet.gov~~
cc
bcc
Subject Fw: FOIA Docs

I got delayed delivery message for this one. Did you get it?

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

----- Forwarded by Gaylin Vogel/EAC/GOV on 10/17/2005 09:47 AM -----

Gaylin Vogel/EAC/GOV
10/14/2005 12:42 PM

To stephen.berger@cox-internet.com
cc
Subject FOIA Docs

Steve:

Attached are the responsive documents to the FOIA request. When we send it out we redact any personal information such as home information. Please let me know if you have any further questions.

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018364

Gaylin Vogel/EAC/GOV
10/17/2005 09:49 AM

To [REDACTED]
cc
bcc
Subject Fw: the attachments

Did you get this?

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

----- Forwarded by Gaylin Vogel/EAC/GOV on 10/17/2005 09:46 AM -----

Gaylin Vogel/EAC/GOV
10/14/2005 12:43 PM

To [REDACTED]
cc
Subject the attachments

I jumped the gun with the send button.



TEM Docs II.pdf



TEM Docs.pdf

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018368

Gaylin Vogel/EAC/GOV
10/14/2005 12:42 PM

To: ~~Steve Rosenberg~~
cc
bcc
Subject: FOIA Docs

Steve:

Attached are the responsive documents to the FOIA request. When we send it out we redact any personal information such as home information. Please let me know if you have any further questions.

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
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<http://www.eac.gov>
GVogel@eac.gov

018366



Gaylin Vogel/EAC/GOV

10/14/2005 04:12 PM

To "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL

cc

bcc

Subject Re: Response to FOIA 

Mr. King:

The EAC has received your letter stating that KSU wishes to classify certain contract information as confidential or a trade secret. In order for the EAC to review this request we will need you to identify the specific provisions and connect it to the specific Freedom of Information Act (FOIA) exception (most probable is exception 4 relating to Trade Secrets.) You will also need to justify to the EAC why it should withhold the information.

In order to assist you in your review I have attached the documents that the EAC has identified as responsive to the request involving communications with KSU.

If you have any questions please do not hesitate to contact me. In the event that you need to reach me over the week my cell is 202-491-3998.

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>



GVogel@eac.gov KSU Docs.pdf

018367



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

OFFICE OF THE CHAIR

July 22, 2005

Mr. Earle Holley
Vice President for Business & Finance
Kennesaw State University
1000 Chastain Road, MS #0102
Kennesaw, Georgia 30144

Dear Mr. Holley:

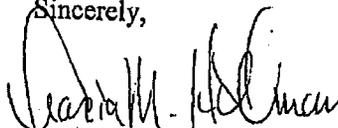
Enclosed is a signed contract in the amount of \$175,000.00 for the provision of technical services to assist the Election Assistance Commission (EAC) with the collection and review of public comments on the draft Voluntary Voting System Guidelines. The work effort also includes updating the referenced external standards (e.g., IEEE, ANSI) in the Guidelines and to expand the Glossary.

The adoption of new voting system guidelines is one of the major EAC responsibilities mandated by the Help American Vote Act. We expect to receive a substantial volume of comments during the course of the 90 day comment period. EAC is a very small organization and does not have sufficient internal staff to manage this workload. The purpose of this contract is to help us keep up with the review and classification of comments for further consideration and to assist EAC staff in updating portions of the Guidelines, such as the referenced standards, to include the most recent editions.

To acknowledge your receipt and acceptance of this contract, please countersign and date below and return one copy to the attention of Carol Paquette, who will be coordinating this work effort for the Commission.

We look forward to working with Kennesaw State University on this very important EAC product.

Sincerely,



Gracia Hillman, Chair

Earle Holley
Kennesaw State University

Tel: (202) 566-3100 www.eac.gov Fax: (202) 566-3127
Toll free: 1 (866) 747-1471

018368

ORDER FOR SUPPLIES AND SERVICES IMPORTANT: See Instructions in GSAR 853.370-300-1 for distribution PAGE 1 OF 1 PAGES

1. DATE OF ORDER: 7/22/05 2. ORDER NUMBER: 3. CONTRACT NUMBER: EAC-0544 B4019088

FOR GOVERNMENT USE ONLY	5. ACCOUNTING CLASSIFICATION				6. FINANCE DIVISION		
	FUND 8035	ORG CODE TZM91100	B/A CODE 10	O/C CODE 25	AC	SS	VENDOR NAME
	FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A	MDL	F	G/L DEBT
W/ITEM	CC-B	PRT./CRFT.		AI	LC	DISCOUNT	

7. TO: CONTRACTOR (Name, address and zip code)
Kennesaw State University
 1000 Chastain Road, MS #0102
 Kennesaw, GA 30144

POC: Mr. Earle Holley. Vice President for Business & Finance
 Phone: (770) 423-6021 Fax: (770) 423-6794

B. TYPE OF ORDER REFERENCE YOUR
 A. PURCHASE
 B. DELIVERY
 Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.

C. MODIFICATION NO. AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER
 58-0965786

9B. CHECK, IF APPROPRIATE
 WITHHOLD 20%
 Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10A. CLASSIFICATION
 A. SMALL BUSINESS B. OTHER THAN SMALL BUSINESS C. SMALL DISADVANTAGED D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION
 A. CORPORATION B. PARTNER-SHIP C. SOLE

11. ISSUING OFFICE (Address, zip code, and telephone no.)
 U.S. Election Assistance Commission
 1225 New York Avenue, NW, Suite 1100
 Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)
 Remittance via EFT.

13. SHIP TO (Consignee address, zip code and telephone no.)
 Same as block 11

14. PLACE OF INSPECTION AND ACCEPTANCE
 U.S. EAC, 1225 NY Ave., NW, Suite 1100, Wash., DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)
 U.S. Election Assistance Commission

16. F.O.B. POINT
 Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE 7/27/2005

19. PAYMENT/DISCOUNT TERMS
 Net 30

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission. To provide technical services to host proposed guidelines and receive comments, and to assist EAC in the review and analysis of comments.				
TOTAL COST OF CONTRACT: \$175,000.00					

21. RECEIVING OFFICE (Name, symbol and telephone no.)
 U.S. Election Assistance Commission (202) 566-3100

TOTAL FROM 300-A(s) 175,000.00

22. SHIPPING POINT

23. GROSS SHIP WT.

GRAND TOTAL 175,000.00

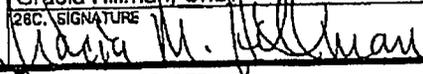
24. MAIL INVOICE TO: (Include zip code)
 General Services Administration (FUND)
 U.S. Election Assistance Commission
 1225 New York Avenue, NW, Suite 1100
 Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:
 Diana M. Scott

25B. TELEPHONE NO.
 (202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)
 Gracia Hillman, Chair

26B. TELEPHONE NO.
 (202) 566-3100

28C. SIGNATURE




Office of Sponsored Programs

August 25, 2005

Ms. Carol Paquette
U.S. Election Assistance Commission
1225 New York Avenue, N.W. Suite 1100
Washington, D.C. 20005

Re: EAC-0544, Kennesaw State University

Dear Ms. Paquette,

Please find enclosed one copy acknowledging receipt and acceptance of EAC-0544, Contract for Technical Assistance for the EAC for the Collection, Management, Review, and Response to the Public Comments Received on the Voluntary Voting System Guidelines. As this is a cost reimbursement type (Time and Materials) contract, we have enclosed our budget for this work. We will expect to be reimbursed for the expenses outlined on the attached budget.

Please let me know if you have any questions with any of the foregoing.

Kind regards,

A handwritten signature in cursive script that reads "Carolyn Elliott-Farino".

Carolyn Elliott-Farino
Associate Director



OFFICE OF THE CHAIR

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

July 22, 2005

Mr. Earle Holley
Vice President for Business & Finance
Kennesaw State University
1000 Chastain Road, MS #0102
Kennesaw, Georgia 30144

Dear Mr. Holley:

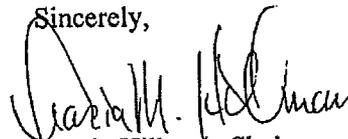
Enclosed is a signed contract in the amount of \$175,000.00 for the provision of technical services to assist the Election Assistance Commission (EAC) with the collection and review of public comments on the draft Voluntary Voting System Guidelines. The work effort also includes updating the referenced external standards (e.g., IEEE, ANSI) in the Guidelines and to expand the Glossary.

The adoption of new voting system guidelines is one of the major EAC responsibilities mandated by the Help American Vote Act. We expect to receive a substantial volume of comments during the course of the 90 day comment period. EAC is a very small organization and does not have sufficient internal staff to manage this workload. The purpose of this contract is to help us keep up with the review and classification of comments for further consideration and to assist EAC staff in updating portions of the Guidelines, such as the referenced standards, to include the most recent editions.

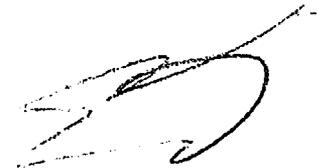
To acknowledge your receipt and acceptance of this contract, please countersign and date below and return one copy to the attention of Carol Paquette, who will be coordinating this work effort for the Commission.

We look forward to working with Kennesaw State University on this very important EAC product.

Sincerely,



Gracia Hillman, Chair



Earle Holley
Kennesaw State University

Budget
EAC TGDC Comment Review Project

17-Aug-05

Fixed Costs

Personnel	July	August	September	October	November	Total
Project Manager (King) 33%	3322	3322	3322	3322	3322	16610
Project Coordinator	4000	4000	4000	4000	4000	20000
Faculty(2) @P-T Rate		6000	6000	6000	6000	24000
Student Asst.		1200	1200	1200	1200	4800
System Admin.	1000	1000	1000	1000	1000	5000
Graduate Students		1000	1000	1000	1000	4000
Total						74410
Indirect (50%)						37205
Fringes (30%)						22323
				Total Personnel		133938
Consultants		4000	4000	5000	5000	18000
Travel	2400	5000	5000	5000	4200	21600
Supplies/Copies		300	220	600	260	1380
Project Total						174918

018372

CONTRACT FOR TECHNICAL ASSISTANCE TO THE EAC FOR THE
COLLECTION, MANAGEMENT, REVIEW, AND RESPONSE TO THE PUBLIC
COMMENTS RECEIVED ON THE VOLUNTARY VOTING SYSTEM GUIDELINES

1.0 Background. On May 9, 2005, the EAC received the initial set of recommendations for the HAVA-mandated Voluntary Voting System Guidelines from the Technical Guidelines Development Committee (TGDC). After performing its due diligence review of this document, the EAC made several changes and published the revised document for a 90 day public comment period. This period began on June 29, with publication of a notice in the Federal Register.

The EAC has established several alternative methods for submitting comments:

- On-line electronic comment form at www.eac.gov
- E-mail to votingsystemguidelines@eac.gov
- Postal mail to Voting System Guidelines Comments at EAC
- FAX to Voting System Guidelines Comments at 202.566.3127

The on-line comment form is associated with an application developed to assist with the management, tracking, and review of comments. This application will permit the manual entry of comments received from other sources so that all comments will be stored and managed from a single source. All comments will be posted for public review on the EAC website.

All comments will need to be reviewed and categorized into editorial, substantive, and other general categories useful for management purposes. Substantive comments will be assessed to determine if they indicate a need to modify the Guidelines. This may require some research and analysis, including consultation with NIST and/or the TGDC. At the conclusion of the comment period, EAC will be required to summarize the numbers and types of comments received and their disposition.

2.0 Objective. The objective of this contract is for EAC to obtain assistance with the posting and initial analysis and categorization of the comments and to obtain technical assistance in updating the referenced standards and glossary sections.

3.0 Scope. EAC shall provide the contents of the website temporarily hosting the Voluntary Voting System Guidelines, to include the on-line commenting application and database of comments. EAC shall forward all comments received from other sources for timely posting to the comment database by the Contractor. The Contractor shall be responsible for all the research, analysis and support activities necessary to successfully complete the tasks described below.

4.0 Tasks.

1. Host document for public review and post comments received. The Contractor shall host the Voluntary Voting System Guidelines document and commenting

application on their website and make them available for public access from the start of the contract until the close of the comment period (September 26, 2005). This access shall be provided by a hot link from the EAC homepage.

The Contractor shall perform initial screening of comments for profanity or other offensive content. Originators of such comments will be informed that such material cannot be posted for public consumption. These comments will be retained in the database, but not approved for public posting. All other comments will be posted to the website for public review.

The EAC will forward to the Contractor all comments received by other means than the on-line comment form for entry into the comment database for public posting and analysis. The Contractor shall provide appropriate quality control to ensure that all comments are captured correctly. Comments will be entered verbatim as received, with no corrections or excerpting.

Hosting of comments will extend for an estimated 30 days beyond the close of the comment period to allow sufficient time to review and determine their disposition. All comments shall be copied to CDs for transfer and retention by the EAC at the conclusion of the contract.

2. Recommend a comment classification schema and organize comments accordingly. The Contractor shall recommend a classification schema for categorizing comments relative to the degree of analysis required. For example, comments dealing with editorial points, typographical errors, and grammar can be handled very straightforwardly. Comments that are more technical in nature may require considerable analysis and perhaps research in order to make a determination on their disposition. Upon approval of the schema by EAC, the Contractor shall organize comments in this manner and periodically provide reports to the EAC on the number and kinds of comments received, and recommendations for the disposition of substantive comments. Comments shall be mapped to relevant portions of the Guidelines document. Periodic teleconferences will be conducted to review status of work, discuss comments and recommendations, and identify issues that will require consultation with NIST or other sources for resolution.
3. Update standards referenced in Guidelines. There are several places in the Guidelines that refer to standards promulgated by other organizations, e.g., ANSI, IEEE, IEC, MILSTD. The Contractor shall research all standards references to identify the latest version and ensure that this is the version referenced in the Guidelines. All references must include the date and version number, if appropriate. In addition, the Contractor shall research commercial practice and other sources of standards to identify replacements for the MILSTD references no longer maintained by the Department of Defense. The Contractor will edit references to standards in the body of the Guidelines to the title of the standard only and key the entry to the References section. This will facilitate the future

issuance of technical addenda to the References as versions of standards evolve without having to create change notices for the body of the document.

4. Develop a comprehensive Glossary of election terms related to voting systems and certification. The Glossary in the 2005 Guidelines has been expanded from the 2002 Voting Systems Standards. However, it needs further work. All key terms in the body of the document should be included in the Glossary. In addition, some terms are defined somewhat differently by various jurisdictions (e.g., absentee voting). Conversely, some concepts are referred to by different terms in different jurisdictions (e.g., ballot type, ballot style). The Contractor shall make recommendations to EAC for additional terms and additional definitions to be included in the Glossary.
5. Maintain master copy of Guidelines and make revisions as directed by EAC. EAC intends to revise the Guidelines throughout the comment period to expedite the process of issuing the final Guidelines at the end of that period. The Contractor shall maintain the master copy of the Guidelines and make revisions as directed by EAC. The Contractor shall maintain strict configuration management and version control of all changes.
6. Attend EAC meetings with statutory boards. HAVA mandates that all guidance issued by the EAC must be reviewed and commented on by the Board of Advisors and the Standards Board. The Board of Advisors is scheduled to meet in Portland, Oregon, August 3-5. The Standards Board is scheduled to meet in Denver, Colorado, August 24-25. The Contractor shall attend these meetings to maintain awareness of concerns and issues raised by these EAC advisory groups.
7. Attend public hearings on Guidelines. One public hearing was conducted in New York City on June 30. Two additional hearings are planned. One is at Caltech in Pasadena, California, on July 28. The other is scheduled for Denver, Colorado, on August 23. The Contractor shall attend these hearings to maintain awareness of the concerns and issues that members of the election community and the public express regarding the Guidelines.

5.0 Contract Type. The contract type will be Time and Materials in the amount of \$175,000.

6.0 Place of Performance. The principal place of performance will be the Contractor's place of business. Project meetings may occasionally be conducted at EAC offices in Washington, D.C. Some travel will be required to attend EAC public hearings and other meetings related to Guidelines review, which are scheduled for various locations.

7.0 Period of Performance. The period of performance is from date of award until December 30, 2005.

018375

8.0 Schedule of Deliverables.

1. Project plan – 5 days after contract award
2. Progress reports – monthly
3. Comment summaries – weekly
4. Comment classification schema – 15 days after contract award
5. Updated standards references – 45 days after contract award
6. Revised Glossary – 60 days after contract award
7. Briefings – as required

9.0 Inspection and Acceptance Criteria. Final inspection and acceptance of all work performed, reports, and other deliverables will be performed at the offices of the EAC. The Contracting Officer's Representative for this effort will be Brian Hancock.

10.0 Invoicing. Invoices may be submitted monthly using Standard Form 1034, Public Voucher for Purchases and Services Other Than Personal. Invoices shall be mailed to the attention of Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington, D.C. 20005.

11.0 Accounting and Appropriation. Funds in the amount of \$175,000.00 are available for this task order.

12.0 General Provisions:

1. *Inspection/Acceptance.* The Contractor shall only tender for acceptance those items that conform to the requirements of this contract. The EAC reserves the right to inspect and review any products or services that have been tendered for acceptance. The EAC may require correction or re-performance of nonconforming items at no increase in contract price. The EAC must exercise its post-acceptance rights within ten (10) days after the defect was discovered or should have been discovered.
2. *Contract Terms.* Should there be a conflict between the contract clauses included in this document and the "Purchase Order Terms and Conditions" on the back of GSA Form 300, which is used to record contract financial data, the contract clauses in this document shall take precedence.
3. *Changes.* Changes in the terms and conditions of this Contract may be made only by written agreement signed by authorized representatives of both parties.
4. *Disputes.* This Contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613). The Contractor shall proceed diligently with performance of this Contract, pending final resolution of any dispute arising under the Contract.

018376

5. *Excusable Delays.* The Contractor shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of the Contractor and without its fault or negligence such as, acts of God or the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. The Contractor shall notify the EAC, in writing, as soon as possible after the beginning of an excusable delay. The Contractor shall explain the basis for the excusable delay, and correct the problem as soon as possible. The Contractor shall notify the EAC, in writing, at the end of the delay.
6. *Other ~~Complications~~ ^{Requirements}.* The Contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.
7. *Compliance with laws unique to Government contracts.* The Contractor agrees to comply with 31 U.S.C 1352 relating to limitations on the use of appropriated funds to influence certain Federal contracts; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. 327 *et seq.*, Contract Work Hours and Safety Standards Act; 41 U.S.C. 51-58, Anti-Kickback Act of 1986; 41 U.S.C. 265 and 10 U.S.C. 2409, relating to whistle blower protections; 49 U.S.C. 40118, Fly American, and 41 U.S.C 423 relating to procurement integrity.
8. *Limitation of Government Liability.* The Contractor is not authorized to make expenditures or incur obligations exceeding the total amount allocated to the contract. The Contractor is required to notify the Contracting Officer's Representative when 75% of funding has been obligated.
9. *Termination for convenience.* The EAC, by written notice, may terminate this contract without fault, in whole or in part, when it is in the best interest of the government. In the event of contract termination for convenience, the Contractor, shall be in accordance with Part 49 of the Federal Acquisition Regulations in effect on the date of this contract.

018377

MEMORANDUM

July 15, 2005

TO: EAC Commissioners

FROM: Tom Wilkey, Executive Director

SUBJECT: Award of Contract for Technical Assistance to the EAC for the Collection, Management, Review, and Response to Public Comments Received on the Voluntary Voting System Guidelines

On June 29, 2005, EAC formally opened the ninety day public comment period on the Voluntary Voting System Guidelines. In light of our limited staff resources, EAC will require assistance in the review, posting, and analysis of these comments. This work will require personnel who have knowledge and experience with election administration processes and terminology, voting system technology, the testing of voting systems, and the application of standards. It will also require the ability to electronically host the document for public review, as well as the on-line commenting application that has been developed.

Kennesaw State University houses a unique facility, the Center for Election Systems, which possesses all of these capabilities. The Center provides voting system certification and acceptance testing, voting system configuration, election official and poll worker training, ballot generation, election day technical support, and election monitoring for all jurisdictions in the State of Georgia. This is the only institution of its kind in the United States and thus qualifies for FAR Subpart 6.302-1 exception to the requirement for full and open competition. We have been conducting a series of discussions with this institution regarding EAC's requirements in order to arrive at a mutually agreeable statement of work and cost estimate.

The Commissioners have previously reviewed and approved the attached statement of work for this effort. We have reviewed Kennesaw's cost estimate for this effort and find it reasonable for the experience levels and types of personnel needed to perform this work.

RECOMMENDATION:

Approve the award of a contract to Kennesaw State University in the amount of \$175,000.

Attachment

018378



"Merle King"
<mking@kennesaw.edu>
06/08/2005 07:51 PM

To cpaquette@eac.gov
cc
bcc
Subject Proposal

Carol - I have taken another cut at the EAC TGDC Guidelines Proposal.
Please see attached.

I have made two modifications to the budget. The budget is now at
\$149,050. Let me know if that creates issues:

1. I forgot to include fringes for full-time employees in the original
2. I have added additional consultant capacity regarding the need to provide maintenance of the guidelines and travel to all board meetings by the KSU team.

I am tracking down a couple of pieces related to Tax ID and the ETF form. I am not sure what "Cognizant Federal Contract Audit Agency" means. Our budget people might, but if you could help clarify that piece it would help.

We are closing out our fiscal year, so things have ground to a halt in terms of support from our business office. Sorry for the delay

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731



EACTGDGGuidelinesContract060505.doc

018379

Kennesaw State University
Computer Science and Information Systems

Contract Proposal

"EAC TGDC Guidelines Management"

(Election Assistance Commission Technical Guidelines Development Committee
Guidelines Management)

June 4, 2005

Contact Information

Contract Manager

Mr. Earle Holley
Vice-President for Business and Finance
Kennesaw State University
1000 Chastain Road, MS #0102
Kennesaw, GA 30144
770-423-6021
Fax (770) 423-6794

The Vice-President for Business and Finance will be the signatory on the contract.

Project Manager

Merle S. King
Department of Computer Science and Information Systems
Kennesaw State University
1000 Chastain Road, MS #1101
Kennesaw, GA 30144
770-423-6005
Fax 770-423-6731

Tax ID #

TBD

018380

Classification and Type of Business

Public, State University

Remittance Address, Including Information for Electronic Funds Transfer (form attached)

Cognizant Federal Contract Audit Agency

TBD

Deliverables

1. KSU will Maintain the master working copy of the EAC TGDC Guidelines. This would include constant and frequent communication with the EAC to incorporate their decisions on the disposition of comments submitted in response to the Guidelines. Changes to the document will be made as soon as responses are received from the EAC.
2. KSU will organize the discussion process for the EAC board(s) meetings to comment on Guidelines. Board meeting dates and locations will be announced by the EAC. The KSU teams will attend the board meetings, propose a recommended organization for the review of the Guidelines, and collect and assimilate information from these meetings.
3. The Glossary of the Guidelines needs immediate work, including editing and annotation. This work product has a high priority.
4. A system of cataloging comments needs to be developed. This system will collect comments, excise identifying emails or other information that could be used to determine the author of the comments, and forward the comments in electronic (or hardcopy, depending upon form of submission) to KSU. KSU will then review the comment and implement the following actions:
 - a. Non-useable comments (those that are simply opinions, or not sufficiently well-formed to determine the author's intent) will be identified and held in abeyance;
 - b. Grammatical and editing comments will be identified and an immediate recommendation made to the EAC liaison regarding their disposition will be made.
 - c. Comments that are substantive will be cataloged and annotated. These comments will be organized into logical groupings that facilitate mapping the comments to the appropriate Guideline section.

d. The cataloged comments will be stored on a secure server so that all appropriate EAC-designated individuals can review the comments as needed. Summary reports will be provided to the EAC, as requested.

5. A final, comprehensive Glossary, benchmarked to as many jurisdictions as is practical, will be developed for the next iteration of the Guidelines. This Glossary of terms will attempt to provide jurisdiction-specific versions of commonly used terms in elections management.

Budget

Given the unknown quantity of work involved in the project, it is projected that there will be fixed costs of \$71,100 and variable costs associated with the volume of comments received. The total projected costs are estimated at \$149,050. KSU's indirect rate is 50% of personnel costs.

KSU will invoice the EAC quarterly for the duration of the project.

Budget							3-Jun-05	
EAC TGDC Comment Review Project								
Fixed Costs								
Personnel	June	July	August	September	October	Total		
PM	4000	4000	4000	4000	4000	20000		
Student Asst.		600	600	600	600	2400		
Total						22400		
Consultants								
King (1/3 time)	3500	3500	3500	3500	3500	17500		
Subtotal							39900	
Indirect (50%)							19950	
Fringes (30%) for full-time employees							11250	
							Total Fixed Personnel	71100
Variable Costs								
Graduate Stu.		800	800	800	800	3200		
Consultants		12000	12000	12000		36000		
							39200	
Indirect (50%)							19600	
							Total Variable	58800

018382

Carol A. Paquette/EAC/GOV
07/12/2005 07:23 PM

To "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: Good to go. 📧

Merle -

I'm delighted that you have decided to move ahead with this work. We are really looking forward to working with Kennesaw. We need to make one further adjustment to the Statement of Work, based on feedback from the Commissioners. They have indicated that the Boards have been working out their own processes for reviewing the Guidelines at their meetings, so we will not need facilitation of these discussions by Kennesaw. However, we do still need to have you attend.

We will get the contract prepared and signed as soon as possible. You didn't provide a cost estimate for the document hosting, so I just increased the funding amount to \$175,000. We can do a contract modification later if necessary to further adjust the funding. This will be a cost plus expenses type contract, not fixed price, so there will be no issue regarding adjusting the cost.

In addition to the EFT form we also need the Kennesaw tax ID#. Cannot process contract through Finance without this information. Also need to know your cognizant federal contract audit agency, but that information is not needed to get contract signed. Thanks and I look forward to working with you and the rest of the Kennesaw team!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Merle King" <mking@kennesaw.edu>



"Merle King"
<mking@kennesaw.edu>
07/12/2005 06:34 PM

To cpaquette@eac.gov
cc
Subject Good to go.

Carol - After some reflection and conversations with the staff here and with Tom on your end, I would like to go forward with the VVSG project.

I have initial edits nearly ready on the glossary. We have the server ready and my guys are looking at the Zone Alarm report to find a work around.

I lost my PM, Carol Julian. Her contract ended on July 1. She may be able to come back as a part-time consultant so all is not lost, and I have identified another candidate for PM.

I have the completed EFT here. I can fax it to you tomorrow or send it surface mail or both. We need to convert the SOW into a contract. From our end that would be as simple as adding a budget and signatory lines to the existing document.

I need to talk with you regarding the CalTech and Portland trips.

018386

We have been hard-hit by Dennis. We have had building problems and were without power for 4 hours today. Things are a bit hectic here.

Talk to you tomorrow,

Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

018385

Carol A. Paquette/EAC/GOV
06/01/2005 09:04 AM

To mking@kennesaw.edu
cc [REDACTED]
bcc
Subject additional contracting information

Merle -

Need to get revised cost estimate from you to include additional activities outlined in my email of 5/26. Specifically, maintaining the master working copy of the Guidelines and organizing the discussion process for the EAC Boards meeting to comment on Guidelines. I'm assuming that the comment about receiving "white papers" for review and assessment will be subsumed under the existing estimate for processing comments, since that's a very indefinite quantity of work at this point. Just as a point of reference, we received more than 300 comments on our recently published 5-6 page draft guidance document on statewide voter registration lists.

Also, need the following information for contract processing purposes:

1) Name, mailing address for contractor organization, plus appropriate points of contact and their contact information - meaning, if there will be a contract manager apart from the project manager, we would like to have information for both. I think you mentioned that the contract would be with Kennesaw State not with the Center.

2) Tax ID number

3) Classification and type of business

4) Remittance address, including information for electronic funds transfer (form attached)

5) Cognizant federal contract audit agency

We are moving ahead with this, so please provide this information as soon as possible.

Thanks!

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

018388

Carol A. Paquette/EAC/GOV
06/01/2005 09:56 AM

To mking@kennesaw.edu
cc
bcc
Subject EFT form

Merle -

Forgot to attach this form to previous email.



EFT form~9075810.rtf

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

018387

Carol A. Paquette/EAC/GOV
07/06/2005 06:07 PM

To: "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL
cc
bcc
Subject: Re: Follow Up

Merle -

I expect to get your contract signed in the next day or two. However, I still need those couple bits of information - I think it was tax ID number, cognizant federal contract auditing agency and maybe something else - before it can be processed through finance. Will also be forwarding you some email traffic regarding some issues with the way the current website is working so you can avoid these problems.

The Commissioners have a problem with Brit working on the Guidelines comments. Their view is that there is an inherent conflict of interest for Brit to have been on the TGDC that came up with the basic recommendations and then also to be part of the EAC comment review team. So we will not be able to contract with him for this purpose. I know he has suggested he would resign from the TGDC, but that doesn't really fix this problem.

Attached is the final SOW. Let me know if you have any issues or questions with it. Thanks!



SOW guidelines review.doc

I'll forward your message to Tom. His email address is twilkey@eac.gov.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Merle King" <mking@kennesaw.edu>



"Merle King"
<mking@kennesaw.edu>
07/06/2005 04:03 PM

To: cpaquette@eac.gov
cc
Subject: Follow Up

Carol - Any decision yet on the contract with KSU and Brit?

I have attached a word document regarding a training program that we are doing for election observers at the Carter Center. Tom Wilkey, Brit and I were discussing the usefulness of a similar program for NIST scientists - to familiarize them with the life cycle of an election. I do not have Tom's email address at the EAC. Could you forward this proposal to him?

Thanks, and let us know.

- Merle

018388

Carol A. Paquette/EAC/GOV
05/14/2005 11:55 AM

To mking@kennesaw.edu

cc [REDACTED]

bcc

Subject EAC support requirements

Merle -

The EAC needs to get a contract in place as soon as possible for the following three support activities. We are looking for an organization that can provide overall project management and the basic technical capabilities from their own staff as well as being able to pull in additional expertise from other institutions and from the election community. The EAC seeks to have broad-based participation in all its activities to ensure the election community and the general public accept the results as having integrity and validity because all points of view have been considered. The unique capabilities and mission of the Center for Election Systems suggests to me that your organization is ideally suited to support these EAC requirements. I would like to discuss your interest and ability to support these activities at your earliest opportunity. The EAC's goal is to have as many information products available to assist election officials with the 2006 elections as possible.

Activity 1: Review and recommend disposition of Voluntary Voting System Guidelines comments

On May 9, the EAC received the initial TGDC recommendations for revised voting system guidelines. We are currently reviewing this document to determine if it is acceptable to publish for public comment as proposed guidelines, or if some modifications might be required. We anticipate completing this review and publishing the resulting proposed guidelines by early June. The EAC is severely under-staffed to appropriately handle the workload of reviewing and determining the disposition of the potentially substantial volume of comments that are expected over the 90 day comment period. We also lack the range of appropriate technical expertise required for this task. The Commissioners have requested that we put together an appropriate review team to assist the EAC with this comment review activity. We envision this process working as follows. We anticipate that most comments will be submitted via the EAC website. We are developing a comment tracking and management application to assist in managing the comments. We will also receive comments from other sources, such as email and paper mail. There will also be two public hearings with panel presentations followed by an open mike public comment period. We plan to review comments on a weekly basis. EAC personnel and members of the review support team would convene a weekly meeting or teleconference to do a first pass review, followed by assigning out of comments requiring additional consideration. Review team members would complete their assigned topics and make disposition recommendations in a subsequent meeting of the review group and the EAC lead staffer. NIST resources will be available to do additional research and/or for consultation, if required.

Activity 2: Development of quality control procedures for voting system acceptance by election officials

There are a variety of system acceptance procedures that election officials can employ to promote consistent quality in newly delivered voting systems. The CES has developed a model process for voting system acceptance and configuration management. This methodology and the practical experience acquired from applying it over several years can be drawn on to develop a set of scaled quality assurance recommendations to meet the needs of the variety of election jurisdictions that are purchasing voting equipment this year. The concept is to provide a range of elements and approaches so election officials will have some choices for what might best suit their particular circumstances.

Activity 3: Development of Election Management Guidelines or Best Practices

The quality of election management practices has a direct impact on the integrity and overall success of the voting process. There appeared to be only a few instances of significant voting equipment

018389

malfunctions in the 2004 election, but there were many instances of procedural glitches. The need for management guidelines has long been recognized in the election community. The EAC would like to initiate the development of such guidelines or best practices, as a complementary product to the Voluntary Voting System Guidelines. In EAC's view, this work would require participation of a working group of election officials. However, an entity is needed to manage the development process and to provide research, documentation and other capabilities necessary to this work.

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

Carol A. Paquette/EAC/GOV
06/10/2005 08:43 AM

To mking@kennesaw.edu
cc
bcc
Subject proposal

Merle -

The proposal looks fine. Based on a conversation with Steve Berger a few days ago, I have another task to add. Sorry for the piecemeal approach; this will be the last "add-on".

The new task is as follows:

There are several places in the Voting System Guidelines (especially in Volume II on testing), that refer to "external" standards: e.g., ANSI, IEC, MILSTD. We need to create a references section in the document where all these materials are referenced in their latest version. It will require some research to determine what the latest version is. As versions change, EAC can issue an addendum to the references without having to dig into the entire document with changes. Then the text reference can be simply the title of the reference. Also, if there are commercial standards that replace the MILSTDs, we'd like to reference those instead, since many of the MILSTDs are no longer maintained by DoD.

The cognizant federal contract audit agency is whatever organization has been named to audit any federal grants or contracts that the University has. Either your budget or grants/contracts people should know who this is.

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

018391

ELECTRONIC FUNDS TRANSFER (EFT) ENROLLMENT FORM

Use this form to enroll in Direct Deposit of your federal payment from the General Services Administration

Privacy Act Statement Collection of this information is authorized by 31 U.S.C. 3332(g), 3325(d) and 7701(c) The information will be used by the Government to make payments by EFT to a vendor. This information may also be used for income reporting and for collecting and reporting on any delinquent amounts arising out of a vendor's relationship with the Government. Disclosure of the information by the vendor is mandatory. Failure to provide the requested information may result in the delay or withholding of payment to the vendor.

Company/Payee Name		Kennesaw State University			
Address	1000 Chastain Road				
City	Kennesaw	State	GA	Zip	30144-5591
Taxpayer ID Number (TIN)	58-0965786				

Financial Institution Name		Bank of America			
Financial Institution Phone Number		1-800-333-9473			
Financial Institution Routing Transit Number (RTN)		026009593			
Depositor Account Title		Kennesaw State College Operating Account			
Depositor Account Number		002320738197			
Account Type	<input checked="" type="checkbox"/> Checking	<input type="checkbox"/> Savings			

Company/Payee Contact Person		Julie Peterson			
Phone	(770) 499-3378				

MUST HAVE SIGNATURE	
Company/Payee Authorized Signature	



**Computer Science and Information Systems Department
College of Science and Mathematics
Kennesaw State University**

Fax Cover Sheet

Date: 7-19-05 Total Number of Pages: 2

To: Carol Raquette From: Mark King

Fax # 202-566-3127 Fax # 770-423-6731

Message:

Tax Id info
- Marke

Carol A. Paquette/EAC/GOV
05/26/2005 07:57 AM

To "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL
cc
bcc
Subject Re: Follow-up to Monday's Meeting

Merle -

This is a good summary. A few additional things came to mind as I was reviewing this:

1) I think we would also want you to maintain and revise the master working copy of the Guidelines, under strict version control, so we can be working on updates during the comment period. We want to do everything we reasonably can to minimize the time needed at the end of the period to wrap everything up. I envision the process working as follows. As you note in your paragraph 3, the reviewers will categorize comments and make recommendations to EAC on their disposition. In turn, we would advise you of the Commission's decision on your recommendations and you could make appropriate changes to the document.

2) We expect some comments may come in the form of "white papers," not necessarily related by the author to a specific section of the Guidelines. For example, Ted Selker at MIT offered to provide his specification for audio-verified audit trails for inclusion in the initial set of TGDC recommendations. It was too late in the process for additional material of this scope to be considered, so I told him he should submit it during the comment period. I understand that we may have a similar paper to consider on cognitive disabilities. The point being that comments may arrive in all shapes and sizes and we just have to make sure we have a process for tracking and handling them all. We're doing a walkthrough of the comments web application today and I will find out if data can be entered into the database manually, so we can have a single source for capturing all comments, whether received by web form, email attachment, or snail mail.

3) Speaking of the web application, I'm going to forward you the link and password for the demo version, so you can have a look at it and see if there are modifications we should make.

4) Just a little more detail on your paragraph 5. There will be 2 hearings and one combined Board meeting dealing with the Guidelines. The first hearing is June 30 in New York City. The second is July 26; location still to be determined, but will be west of Mississippi. Board meeting will be sometime in July, again the location hasn't been determined as yet. I anticipate that the Board meeting will be 1.5 - 2 days. Would have your team organize the discussion for this meeting, so we can get through the entire document and cover all their concerns.

Your estimated cost looks fine; I anticipate it will increase somewhat with the additional work outlined above. I will look into what we can do to get a separate contract in place for Brit. Call me if we need to discuss any of this. Thanks!

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Merle King" <mking@kennesaw.edu>



"Merle King"
<mking@kennesaw.edu>
05/25/2005 05:35 PM

To cpaquette@eac.gov
cc
Subject Re: Follow-up to Monday's Meeting

018393

Carol - The prior email only addresses the Guidelines. We thought that had the highest priority and we (Brit, Kathy Rogers, and I) need some time to discuss the Management Guidelines work.

Talk to you soon,

Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 5/25/2005 5:30:38 PM >>>
Merle -

Thanks for getting back to me so quickly on this. I will review this evening and get back to you tomorrow. Just at a glance this appears to

only include the Guidelines review assistance. So can I assume that there will be another paper coming on the Management Guidelines work?

Appreciate you and Brit traveling to DC to have this conversation. I agree that it was very helpful in fleshing out the concept for both of these tasks.

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

"Merle King" <mking@kennesaw.edu>
05/25/2005 04:51 PM

To
cpaquette@eac.gov
cc

Subject
Follow-up to Monday's Meeting

Carol - Thank you for giving us your morning on Monday. It was very helpful to hear your explanations of the work products for the Guideline

018394

Review Project.

Here are the planning assumptions I have made:

1. The project would need to commence ASAP and extend into late October, early November, depending upon the publication date in the Federal Register.
2. The Glossary of the Guidelines needs immediate work, including editing and annotation. This work product has a high priority.
3. A system of cataloging comments needs to be developed. This system will collect comments, excise identifying emails or other information that could be used to determine the author of the comments, and forward the comments in electronic (or hardcopy, depending upon form of submission) to us. We will then review the comment and implement the following actions:
 - a. Non-useable comments (those that are simply opinions, or not sufficiently well-formed to determine the author's intent) will be identified and held in abeyance;
 - b. Grammatical and editing comments will be identified and an immediate recommendation made to the EAC liaison regarding their deposition will be made.
 - c. Comments that are substantive will be cataloged and annotated. These comments will be organized into logical groupings that facilitate mapping the comments to the appropriate Guideline section.
 - d. The cataloged comments will be stored on a secure server so that all appropriate EAC-designated individuals can review the comments as needed. Summary reports will be provided to the EAC, as needed.
4. A final, comprehensive Glossary, benchmarked to as many jurisdictions as is practical, will be developed for the next iteration of the Guidelines. This Glossary of terms will attempt to provide jurisdiction-specific versions of commonly used terms in elections management.
5. Project personnel will need to travel to several meetings to collect data and observe. Travel to meet with the EAC is also anticipated.
6. We would like to have Brit Williams engaged and compensated for his role on this project. Because Brit is a retiree from the Univ. System of Georgia, we are unable to hire him on this project. We would like the EAC to explore a separate contract with Brit to support this (and perhaps other) work.
7. In the attached budget, I am proposing a total fixed costs of \$59,100 with variable costs of \$50,450, for a total-not-to-exceed \$109,550. We would invoice at an agreed upon interval. If there was a small volume of comments, the cost to the EAC would be approx. \$65K. If we needed to add additional consultants, we could invoice the EAC up to \$45K. If the volume of comments exceeds the anticipated upper bound,

018395

we
would ask that the EAC consider an addendum to this contract to
facilitate the completion of the contract.

I hope this reflects a realistic schedule, work product and budget.
Please let me know your thoughts.

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
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1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

018396



"Merle King"
<mking@kennesaw.edu>
06/28/2005 09:07 AM

To cpaquette@eac.gov
cc
bcc
Subject Re: website

Carol - The Center staff has never given testimony to the GA Legislature. I have given testimony once, at a NIST meeting, but it was on the topic of functionality, not VVPAT.

The organization of the full-time staff at the Center is as follows:

Merle King - Executive Director
Ray Cobb - Director
Tara Robie - Sr. Project Coordinator
Anthony Peel - Sr. Project Coordinator
Jessica Bamford - Project Coordinator

Brit is a contractor with the SOS office and although he spends time at the Center, he is not on the Center budget. He does not report to me.

The Center is completely funded by the SOS of Ga., as a line item in their budget.

The Center staff has had private conversations with our vendor regarding VVPAT and I have expressed my opinion to several vendors on the legal and operational issues associated with the concept.

I have discussed the proposed work for the EAC with the SOS Elections Director and we believe there is not a conflict of interest in the proposal. I think we can be impartial and objective in our review of comments. Our position has always been to enforce the law, rules and regs.

There is also a separation of responsibility component to the proposal. The work with the EOC will be through my department (Computer Science and Information Systems). It will not be with the Center for Election Systems.

Hope this helps.

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 6/27/2005 5:38:47 PM >>>
Merle -

01839

Discussed transferring the Guidelines document and comment application with the Commissioners and the Executive Director (Tom Wilkey) this morning, along with the other tasks related to reviewing the comments that you had provided a proposal for. Being ever cognizant of how the EAC is perceived, the Commissioners asked me to check to see if the Center or Kennesaw ever provided testimony to the GA legislature or has otherwise taken a public position on the topic of voter verified audit trails? We know Brit's views, but he was always speaking for himself on the topic. The question is whether the Center itself has taken a position on this high profile issue. Also, my understanding is that the Center is pretty much fully funded by the GA Secretary of State's office. Would that relationship in any way impinge on your ability to be objective and impartial when reviewing and advising on the disposition of comments? Can you advise? Thanks!

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

"Merle King" <mking@kennesaw.edu>
06/27/2005 05:14 PM

To
cpaquette@eac.gov
cc
"Ken Honea" <khonea@kennesaw.edu>
Subject
website

Carol -

I noticed that you got the glynn.com site up and running on Saturday.

We have reserved the following url:
<http://guidelines.kennesaw.edu/guidelines> and put the content there.
The firewall is properly configured so that it can be linked when you are ready.

Please advise on how we should proceed.

Thanks,

Merle

018398



"Brit Williams"

06/28/2005 11:33 AM

To "Merle King" <mking@kennesaw.edu>, "Carol Paquette" <cpaquette@eac.gov>

cc

bcc

Subject Re: website

Carol - I am responding to this because I am not at all sure that everyone does know my position on VVPATs.

My position is this:

I have absolutely no objection to VVPATs, but believe that they are not technically necessary. We are entirely capable of building and operating accurate, secure paperless electronic voting systems. Many jurisdictions, including the State of Georgia, are currently conducting accurate, secure elections on pure DRE voting systems.

I fully suport the concept of allowing voter's to verify their ballots and have no problem with jurisdictions that wish to use paper for this process.

I look forward to seeing you in New York.

Best regards.

Brit

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

From: "Merle King" <mking@kennesaw.edu>
To: <cpaquette@eac.gov>
Sent: Tuesday, June 28, 2005 9:07 AM
Subject: Re: website

> Carol - The Center staff has never given testimony to the GA
> Legislature. I have given testimony once, at a NIST meeting, but it was
> on the topic of functionality, not VVPAT.
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> The organization of the full-time staff at the Center is as follows:
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> Brit is a contractor with the SOS office and although he spends time at
> the Center, he is not on the Center budget. He does not report to me.
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> The Center is completely funded by the SOS of Ga., as a line item in
> their budget.
>
> The Center staff has had private conversations with our vendor
> regarding VVPAT and I have expressed my opinion to several vendors on
> the legal and operational issues associated with the concept.
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> I have discussed the proposed work for the EAC with the SOS Elections
> Director and we believe there is not a conflict of interest in the

018399

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> regs.
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> The work with the EOC will be through my department (Computer Science
> and Information Systems). It will not be with the Center for Election
> Systems.
>
>
> Hope this helps.
>
> - Merle
>
>
>
> Merle S. King
> <http://science.kennesaw.edu/csis>
> Chair, CSIS Department
> Kennesaw State University
> 1000 Chastain Road, MB #1101
> Kennesaw, GA 30144-5591
> voice: 770-423-6354; fax: 770-423-6731
>
>
>>>> <cpaquette@eac.gov> 6/27/2005 5:38:47 PM >>>
> Merle -
>
> Discussed transferring the Guidelines document and comment application
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> EAC
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> or
> Kennesaw ever provided testimony to the GA legislature or has otherwise
>
> taken a public position on the topic of voter verified audit trails? We
>
> know Brit's views, but he was always speaking for himself on the topic.
>
> The question is whether the Center itself has taken a position on this
>
> high profile issue. Also, my understanding is that the Center is pretty
>
> much fully funded by the GA Secretary of State's office. Would that
> relationship in any way impinge on your ability to be objective and
> impartial when reviewing and advising on the disposition of comments?
> Can
> you advise? Thanks!
>
>
> Carol A. Paquette
> U.S. Election Assistance Commission
> (202)566-3125 cpaquette@eac.gov
>
>
>
> "Merle King" <mking@kennesaw.edu>

018400



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

August 30, 2005

Ms. Bobbie Ann Brinegar
Washington, D.C. Director
Miami-Dade Election Reform Coalition
1725 19th Street, NW #B
Washington, DC 20009

Dear Ms. Brinegar:

This letter is in response to the Miami-Dade Election Reform Coalition's (MDERC) Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on August 3, 2005. The August 3rd FOIA request served as a revision to a previous request received by the EAC on July 22, 2005. The revision was made in response to a request for clarification sent by the EAC on July 29, 2005.

The revised request (August 3, 2005) sought "all documents relating to meetings that were not publicly noticed, including all telephonic meetings or conferences, [in] which.. ." Chair Gracia M. Hillman, Vice Chairman Paul S. DeGregorio, Commissioner Ray Martinez or interim Executive Director Carol Pacquette were in attendance. The request notes that this includes "all lists of such meetings, and all notes made at such meetings or telephone calls." The letter also request copies of all FOIA requests made to the EAC.

With regard to your request for all prior FOIA requests, you will find copies of all responsive documents, attached. You will not be charged for processing and copying costs.

With regard to your request for "all documents relating to meetings that were not publicly noticed," the EAC must provide a bifurcated response. First, the EAC has not been able to search the personally held files of the Commissioners or previous interim Executive Director. Unfortunately, each of these individuals has been traveling for all but a few days over the last month and a half. As such, they have not had the opportunity to review their files. While the Commissioners will continue to travel in September, it is hoped the travel will be less extensive. In an effort to take all reasonable steps to provide you the documents you seek, the EAC will review the files maintained by the Commissioners and respond to you within 10 working days.

It is important to understand that, generally, the EAC does not maintain or track documents based upon their association with a given meeting (and attendance at that meeting). However, it is possible that individual Commissioners or the Interim Executive Director (or their assistants) may have personally maintained a few document files in a "meeting associated" manner. Because this possibility exists, the EAC will coordinate with the Commissioners in

order to determine if we can reasonably accommodate your request. However, this effort is a result of the EAC's desire to take every reasonable step to provide the documents you seek. Generally, without clarification, your FOIA request does not meet the definition of proper request under FIOA.

A proper FOIA request must reasonably describe the records sought (5 U.S.C. §552(a)(3)(A)). Such a request would enable a professional agency employee familiar with the subject area to locate the record with a "reasonable amount of effort."¹ FOIA does not allow requesters to "conduct fishing expeditions" through agency files² or require agency staff to have "clairvoyant capabilities."³ Finally, Federal Agencies are not required to conduct "unreasonably burdensome" searches for records.⁴ Your request requires the EAC to identify any document that was created as a result of any type of discussion (including telephonic) between a Commissioner or interim Executive Director and any other person (including EAC staff). Given that such conversations represent the majority of our Commissioner's time and that the EAC staff generally does not maintain records based upon "meeting connectivity," your request requires both an "unreasonably burdensome" search and fails to "reasonably describe" the records sought. As was noted in the EAC letter requesting clarification (July 29, 2005):

[T]he vast majority of documents created or obtained by the EAC were likely created or obtained as a result of or in preparation for a meeting with a Commissioner. Notwithstanding this fact, in many cases it will be almost impossible to determine, with any certainty, which specific documents were "meeting associated," as such information is not ordinarily maintained on a document. Like most organizations, our documents are identified by subject matter and the individual or organization that created it. In short, your request, as stated, would require EAC personnel to search every document in possession of the Commission and speculate as to whether it was created as a result of or in preparation for a meeting with one of our four Commissioners.

Absent questioning every staff member on every document in the EAC's possession there is no reasonable way to determine if a particular document was used in a non-publicly noticed meeting. Even if the EAC took this burdensome course of action, the results would be purely speculative. Requester's should frame requests with sufficient particularity to ensure that searches are not unreasonably burdensome.⁵ The rationale is that FOIA was not intended to reduce

¹ H.Rep.No.93-876 93rd Cong., 2d Sess. 6 (1974); S.Rep.No.813 89th Cong., 1st Sess. 8 (1965); Marks v. United States, 578 F.2d 261, 263 (9th Cir. 1978) (FOIA provision that request reasonably describe records sought relates not only to subject matter but also to place of search).

² Freeman v. United States Dep't of Justice, No. 90-2754, slip op. at 3 (D.D.C. Oct. 16, 1991) ("The FOIA does not require that the government go fishing in the ocean for fresh water fish.")

³ Hudgins v. IRS, 620 F.Supp. 19, 21 (D.D.C.1985) (Hogan, J.) ("[A]n agency is not required to have 'clairvoyant capabilities' to discover the requester's need.")

⁴ Van Strum v. EPA, 1992 WL 197660, (9th Cir. Aug. 17, 1992) (accepting agency justification in denying a request or seeking clarification that a request was burdensome because it would put an inordinate search burden on Agency resources and sought vast amount of materials.

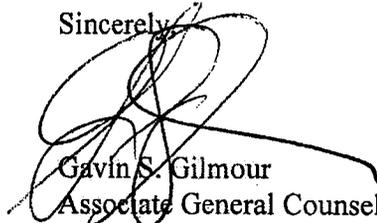
⁵ Judicial Watch, Inc. v. Export-Import Bank, 108 F.Supp.2d 19, 28 (D.D.C.,2000)

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government agencies to full-time investigators on behalf of requesters.⁶ Therefore, agencies are not required to perform searches incompatible with their own document retrieval systems.⁷

This letter is not a final response to your FOIA request. You will hear from us within the next 10 working days. I continue to encourage you to further clarify your FOIA request consistent with the conclusions, above. I offer you my assistance in this endeavor. You may reach me at (202) 566-3100 or ggilmour@eac.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gavin S. Gilmour', is written over the typed name and title.

Gavin S. Gilmour
Associate General Counsel
U.S. Election Assistance Commission

Attachments:

1. EAC FOIA;
2. Your revised FOIA request (August 3, 2005).

⁶ Id. at 28

⁷ Id. citing Assassination Archives and Research Ctr. v. CIA, 720 F.Supp. 217, 219 (D.D.C.1989) (internal citations omitted).

018403



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

September 15, 2005

Ms. Bobbie Ann Brinegar
Miami-Dade Election Reform Coalition
1725 19th Street, NW #B
Washington, DC 20009

Dear Ms. Brinegar:

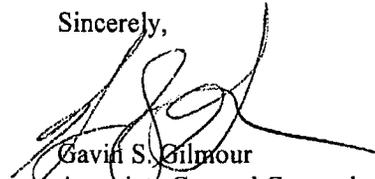
This letter is in response to the Miami-Dade Election Reform Coalition's (MDERC) Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on August 3, 2005. The August 3rd FOIA request served as a revision to a previous request received by the EAC on July 22, 2005. The revision was made in response to a request for clarification sent by the EAC on July 29, 2005. This letter supplements our previous communication of August 30, 2005.

In our previous letter (August 30th), the EAC (1) provided all documents responsive to your request for the agency's prior FOIA requests; (2) informed you of our determination that the remainder of your request was not a proper FOIA request, as it failed to reasonably describe the records sought and required an unreasonably burdensome search for records; and (3) informed you that we would, nonetheless, perform a reasonable search for records that involved meetings with third parties. Attached please find a copy of our August 30th letter.

Each of the individuals noted in your request letter (and/or their assistant) searched their files for meeting associated records. As they could not reasonably search all records held by the EAC and speculate as to their potential association with a meeting, they looked for documents filed (including e-mails) as "meetings." Moreover, because you did not define the broad term "meeting" (which could include any time two individuals communicate) we defined the term consistent with your correspondence. We provided documents, filed as noted above, in which one of the individuals you identified met with a non-federal employee or organization. The result of our records search is enclosed. A few of the documents have had small portions redacted, such as personal phone numbers, as release of this information would constitute an unwarranted invasion of personal privacy (5 U.S.C. §522(b)(6)).

At this time, Commissioner DeGregorio has not completed the search of his records. His efforts were cut short by an official trip to Hungary. He will return from his overseas trip on the 21st of September. This letter is not a final response to your FOIA request. The EAC will provide our final response by September 26, 2005. In the interim, if you have any questions, you may reach me at (202) 566-3100 or ggilmour@eac.gov.

Sincerely,



Gavin S. Gilmour
Associate General Counsel

Attachments:

1. EAC August 30, 2005 letter to MDERC
2. Responsive documents

Gaylin Vogel/EAC/GOV
09/01/2005 11:01 AM

To d [REDACTED]
cc
bcc
Subject FOIA Response

Bobbie:

Here are the documents I tried to Fax to you yesterday.



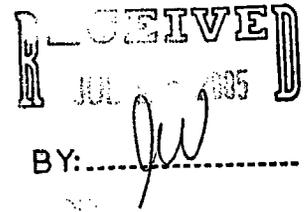
MDERC FOIA to BB.pdf

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018403



miami-dade election reform coalition



Bobbie Ann Brinegar
Washington, D.C. Director
1725 19th St NW #B
Washington, D.C. 20009
Tel: 202-441-8068

FOIA Officer
U.S. Election Assistance Commission
Record Information/Dissemination Section
1225 New York Ave. NW -Suite 1100
Washington, D.C. 20005

July 21, 2005

Re: Freedom of Information Act Request

This letter constitutes a request under the Freedom of Information Act, 5 U.S.C. § 552, on behalf of the Miami - Dade Election Reform Coalition, 1725 19th St. NW #B Washington, DC 20009 (MDERC).

On behalf of MDERC, I request that you provide the following:

1. All documents relating to publicly noticed and/or private meetings (including telephonic meetings or conferences), at which Gracia M. Hillman was in attendance after being confirmed to serve on the U.S. Election Assistance Commission (EAC) by the U.S. Senate on December 9, 2003 through the present. This includes all documents that were prepared, received, transmitted, collected and/or maintained by the EAC relating to such meetings; all recordings of any portion of such meetings; all notes taken at such meetings or made in connection to such meetings, all correspondence relating to such meetings; and all agendas for or minutes of such meetings.
2. All documents relating to publicly noticed and/or private meetings (including telephonic meetings or conferences), at which Commissioner Paul S. DeGregorio was in attendance from the time of his confirmation to serve on the EAC until the present. This includes all documents that were prepared, received, transmitted, collected and/or maintained by the EAC relating to such meetings; all recordings of any portion of such meetings; all notes taken at such meeting or made in connection to such meetings, all correspondence relating to such meetings; and all agendas for or minutes of such meetings.
3. All documents relating to publicly noticed and/or private meetings (including telephonic meetings or conferences), at which Commissioner Ray Martinez was in attendance from the time of his confirmation to serve on the EAC until the present. This includes all documents that were prepared, received, transmitted, collected and/or maintained by the EAC relating to such meetings; all recordings of any portion of such meetings; all notes taken at such meetings or

www.reformcoalition.org

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miami-dade election reform coalition

made in connection to such meetings, all correspondence relating to such meetings; and all agendas for or minutes of such meetings.

Please advise us of the cost prior to copying.

If this request is denied in whole or in part, I request that you justify all deletions by reference to specific exemptions of the FOIA. Please provide all segregable portions of otherwise exempt material.

Please send all records, as they become available, to this address:

Bobbie Ann Brinegar
1725 19th St NW #B
Washington, DC 20009

Sincerely,

Bobbie Ann Brinegar



miami-dade election reform coalition

Bobbie Ann Brinegar
Washington, D.C. Director
1725 19th St NW #B
Washington, D.C. 20009
Tel: 202-441-8068
www.reformcoalition.org

FOIA Officer
U.S. Election Assistance Commission
Record Information/Dissemination Section
1225 New York Ave. NW -Suite 1100
Washington, D.C. 20005

August 3, 2005

Re: Freedom of Information Act Request

This letter constitutes a request under the Freedom of Information Act, 5 U.S.C. § 552, on behalf of the Miami - Dade Election Reform Coalition, 1725 19th St. NW #B Washington, DC 20009 (MDERC).

On behalf of MDERC, I request that you provide the following:

1. All documents relating to meetings that were not publicly noticed, including all telephone conversations and conferences, which Gracia M. Hillman participated in or attended after being confirmed to serve on the U.S. Election Assistance Commission (EAC) by the U.S. Senate on December 9, 2003 through the present. This includes lists of all such meetings, and all notes made at such meetings or telephone calls or in connection with such meetings or telephone calls.
2. All documents relating to meetings that were not publicly noticed, including all telephone conversations and conferences, which Paul S. DeGregorio participated in or attended after being confirmed to serve on the U.S. Election Assistance Commission (EAC) by the U.S. Senate on December 9, 2003 through the present. This includes lists of all such meetings, and all notes made at such meetings or telephone calls or in connection with such meetings or telephone calls.
3. All documents relating to meetings that were not publicly noticed, including all telephone conversations and conferences, which Ray Martinez participated in or attended after being confirmed to serve on the U.S. Election Assistance Commission (EAC) by the U.S. Senate on December 9, 2003 through the present. This includes lists of all such meetings, and all notes made at such meetings or telephone calls or in connection with such meetings or telephone calls.

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miami-dade election reform coalition

4. All documents relating to meetings that were not publicly noticed, including all telephone conversations and conferences, which Carol Pacquette participated in or attended during the period she served as Acting Executive Director of the U.S. Election Assistance Commission (EAC). This includes lists of all such meetings, and all notes made at such meetings or telephone calls or in connection with such meetings or telephone calls.

5. All requests that have been made to the U.S. Election Assistance Commission (EAC) under the Freedom of Information Act (FOIA).

Please advise us of the cost prior to copying.

If this request is denied in whole or in part, I request that you justify all deletions by reference to specific exemptions of the FOIA. Please provide all segregable portions of otherwise exempt material.

Please send all records, as they become available, to this address:

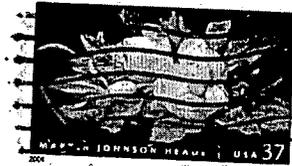
Bobbie Ann Brinegar
1725 19th St NW #B
Washington, DC 20009

Sincerely,

Bobbie Ann Brinegar

Ms. Bobbie Brinegar
Apt. B
1725 19th St. NW
Washington, DC 20009

RECEIVED
AUG 05 2005



U.S. ELECTION ASSISTANCE COMMISSION
FOIA OFFICER
1225 New York Ave. NW-Suite 1100
WASHINGTON, D.C. 20005

20005-6400



018410



miami-dade election reform coalition

September 19, 2005

Via E-Mail and Facsimile

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Suite 1100
Washington, DC 20005

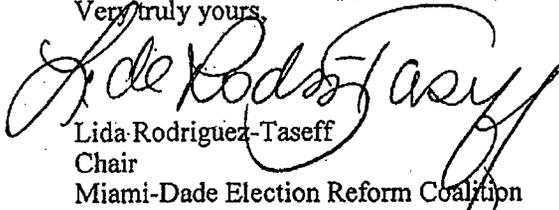
Dear Mr. Gilmour:

We are in receipt of your letters dated August 30, 2005 and September 15, 2005 and respond as follows.

First, in your August 30, 2005 letter, you correctly point that in your July 29, 2005 letter requesting clarification, you informed us that the EAC's documents "*are identified by subject matter and the individual or organization that created it.*" Based upon that statement, we clarified our request to ask for "all documents relating to meetings that were not publicly noticed." Our clarification was based upon two assumptions: (i) that EAC members were required to maintain logs of who they met with and who they had telephone conversations with and (ii) that one of the EAC's subject matter categories for document indexing would be "meetings not publicly noticed.." In your August 30, 2005 letter, you have now further clarified that "generally, the EAC does not maintain or track documents based upon their association with a given meeting (and attendance at that meeting." However, you do not clarify whether the EAC members are in the practice of maintaining logs.

Under cover of letter dated September 15, 2005, you provided in excess of 150 pages of documents which we are in the process of reviewing. It is also our understanding that you might be providing additional documents from Commissioner DeGregorio upon his return from an official trip. We will be providing you with further comments as soon as we complete our review of the documents you have provided thus far.

Very truly yours,


Lida Rodriguez-Taseff
Chair
Miami-Dade Election Reform Coalition

Page 1



Kathryn Sheely, Law Clerk
 (202) 483-1140 ext 214
 sheely@epic.org

Marc Rotenberg
 President

July 5, 2005

VIA Fax 202-566-3127

Julie Thompson, General Counsel
 United States Election Assistance Commission
 1225 New York Avenue N.W., Suite 1100
 Washington, DC 20005

EPIC NATIONAL OFFICE
 1718 Connecticut Ave NW
 Suite 200
 Washington DC 20009
 +1 202 483 1140 (tel)
 +1 202 483 1248 (fax)

RE: Freedom of Information Act Request

Dear Ms. Thompson:

EPIC WEST COAST OFFICE
 944 Market Street
 Suite 709
 San Francisco CA 94102

This letter constitutes a request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (EPIC). +1 415 462 6161 (tel)
+1 415 482 8527 (fax)

On June 30, 2004, the Election Assistance Commission (EAC) submitted a Report to Congress titled "The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office." In order to prepare this report, the EAC sent the 2004 Voter Registration Survey to 55 state election jurisdictions.¹ The Report was based on the response from 48 states, the District of Columbia, and three U.S. territories.² EPIC requests copies (including but not limited to electronic records) of each of the surveys returned to the EAC by the state election jurisdictions. www.epic.org

For purposes of fee assessments, we request that EPIC be placed in the category of "news media" requester. EPIC is a non-profit, educational organization that routinely and systematically disseminates information to the public. This is accomplished through several means. First, EPIC maintains a heavily visited web site (www.epic.org) that highlights the "latest news" concerning privacy and civil liberties issues. The site also features scanned images of documents EPIC obtains under the FOIA. Second, EPIC publishes a bi-weekly electronic newsletter that is distributed to over 15,000 readers, many of whom report on technology issues for major news outlets. The newsletter reports on relevant policy developments of a timely nature (hence the bi-weekly publication schedule). It has been published continuously since 1996, and an archive of past issues is available at our Web site. Finally, EPIC publishes and distributes printed

¹ "The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office," the United States Election Assistance Commission, p. 1, June 30, 2005.

² *Id.* at i.

books that address a broad range of privacy, civil liberties and technology issues. A list of EPIC publications is available at our Web site.

For the foregoing reasons, EPIC clearly fits the definition of "representative of the news media" contained in the FOIA. Indeed, the U.S. District Court for the District of Columbia has held that EPIC is a "news media" requester under the FOIA. See *Electronic Privacy Information Center v. Dep't of Defense*, 241 F. Supp. 2d 5 (D.D.C. 2003). Based on our status as a "news media" requester, we are entitled to receive the requested records with only duplication fees assessed. Further, because disclosure of this information will "contribute significantly to public understanding of the operations or activities of the government," 5 U.S.C. § 552(a)(4)(A)(iii), any duplication fees should be waived.

As the FOIA requires, I will look forward to your response within twenty (20) working days. If you have any questions about handling this request, you may telephone me at (202) 483-1140 ext. 214.

Sincerely,



Kathryn Sheely
Law Clerk, EPIC

cc: Lillie Coney

ELECTRONIC PRIVACY INFORMATION CENTER



May 10, 2005

Fax 202-566-3127

The Honorable Paul S. DeGregorio
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

1718 Connecticut Ave NW
Suite 200
Washington DC 20008
USA
+1 202 483 1140 (tel)
+1 202 483 1248 (fax)
www.epic.org

RE: Freedom of Information Act Request

Dear Commissioner DeGregorio,

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (EPIC).

We are seeking all agency records concerning the Technical Guidelines Development Committee (TGDC) from March 23, 2004 to the present (including but not limited to electronic records) including records regarding appointments to the TGDC, disclosure statements by members of the TGDC, meetings, hearings, and work of the TGDC related to voting technology standards. Please, also provide all printed meeting and hearing transcripts for the TGDC.

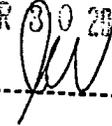
For purposes of FOIA fee assessments, we request that EPIC be placed in the category of "news media" requester. The U.S. District Court for the District of Columbia has determined that EPIC qualifies for "news media," fee status, *EPIC v. Department of Defense*, 241 F.Supp.2d 5 (D.D.C. 2003). We also request a waiver of all processing fees, as release of this information will contribute significantly to the public's understanding of the activities and operation of the government.

Thank you for your consideration of this FOIA request. As the FOIA regulations provide, I look forward to your response within 20 working days. Should you require additional information, please contact me at 202-483-1140 x 111 or by e-mail at coney@epic.org.

Sincerely,

Lillie Coney
Associate Director

Chair, Gracia Hillman
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

RECEIVED
MAR 30 2005
BY: 

Re: Freedom of Information Act Request

Dear Commissioner Hillman:

This is a request under the Freedom of Information Act.

I request that a copy of the following documents [or documents containing the following information] be provided to me: Complete testimony (including appendices) of the Election Assistance Commission to the U.S. House Of Representatives, Committee on House Administration, from 9 February 2005. Specifically, I request the results of the Military and Overseas Absentee Ballot Survey for the 2004 election noted as Appendix 5 in the available testimony.

In order to help to determine my status for purposes of determining the applicability of any fees, you should know that I am an Assistant Professor at the United States Military Academy, West Point, New York. As such, I am affiliated with an educational institution and this request is made for a scholarly or scientific purpose and not for a commercial use.

I am willing to pay fees for this request up to a maximum of \$25.00. If you estimate that the fees will exceed this limit, please inform me first.

I do request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. This information will support research for my dissertation and will be publicly available.

I request that the information I seek be provided in electronic format, and I would like to receive it on a personal computer disk, a CD-ROM, or by email at brian.durant@usma.edu.

My office telephone number is (845) 938-5096. I can generally be contacted during the hours of 8 a.m. to 5 p.m., as necessary, to discuss any aspect of my request.

Thank you for your consideration of this request.

Sincerely,



Brian D. DuRant
Lieutenant Colonel, U.S. Army
Department of Behavioral Sciences and Leadership
United States Military Academy
West Point, NY 10996

A33005-864

018415

FairVote

THE CENTER FOR VOTING AND DEMOCRACY

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Chair

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Executive Director

Robert Richie

Program Director

David Moon

Communications Director

Ryan O'Donnell

Senior Analysts

Terry Bouricius

Steven Hill

Caleb Kleppner

FOIA Officer

Election Assistance Commission

1225 New York Avenue N.W., Suite - 1100

Washington, DC 20005

March 17, 2005

Dear FOIA Officer,

I would like to formally submit a FOIA request for documents related to the Technical Data Packages that have been submitted to the EAC, or its predecessor (FEC) or related agencies, such as the NIST, between April 30, 2002 and the present. In particular, I am seeking:

1. A copy of the first page or cover page of the Technical Data Package (TDP) for each application received after the adoption of the revised Voting System standards, and
2. The portion of each of the above TDPs that response to Volume 1, Section 2.2.8.2 Voting variations, subsections a. through o. This section includes the sentence, "The TDP accompanying the system shall specifically identify which of the following items *can* and *cannot* be supported by the system, as well as *how* the system can implement the items supported."

I understand that TDPs may contain proprietary information and that each vendor is required to identify which information is and is not proprietary; however, I presume that information about which items in 2.2.8.2 can and cannot be supported by the system is not proprietary. If any of the information is proprietary, I request that you send me those portions that are publicly available under FOIA.

The FairVote – the Center for Voting and Democracy is a public interest group that educates about the electoral process. We request these documents for use in our educational efforts about the capabilities of different types of voting equipment. We therefore request that you waive any fees from compiling, copying and mailing the documents to me.

If you have any questions about this request, please don't hesitate to call me at 203-781-8406 or email me at ck@fairvote.org.

Please mail document to me at:

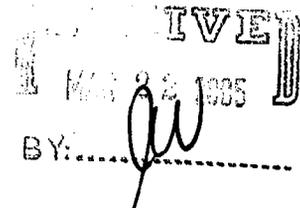
Caleb Kleppner
196 Lawrence St
New Haven CT 06511

Web Site

www.fairvote.org

Sincerely,


Caleb Kleppner



A30205.818

196 Lawrence St, New Haven CT 06511 · (203) 781-8406 · ck@fairvote.org

018418

work days: 8/17/2004



July 20, 2004

VIA FACSIMILE

United States Election Assistance Commission
1225 New York Avenue N.W.
Suite - 1100
Washington, DC 20005
(202) 566-3100
fax (202) 566-3127

1718 Connecticut Ave NW
Suite 200
Washington DC 20009
USA
+1 202 483 1140 (tel)
+1 202 483 1248 (fax)
www.epic.org

FOIA REQUEST

Dear Mr. John Vergelli:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. §. 552, on behalf of the Electronic Privacy Information Center, I request access to and copies of all agency records of complaints and agency responses regarding electronic voting, direct recording electronic (DRE) devices used to count voting ballots, touch screen voting machines, and optical scanners. I also request access to and copies of all agency records of complaints and agency responses regarding voting ballot counting software from September 2000 to the present. Additionally, I request access to and copies of all agency records of communications between the agency and any other party discussing or interpreting Help America Vote Act of 2002, Section 301(a)(2)(B); 42 U.S.C. §15481(a)(2) (B).

Please redact any personal information incidentally submitted in conjunction with any complaint.

For purposes of fee assessments, we request that EPIC be placed in the category of "news media" requester EPIC is a non-profit, educational organization that routinely and systematically disseminates information to the public. This is accomplished through several means. First, EPIC maintains a heavily visited Web site (www.epic.org) that highlights the "latest news" concerning privacy and civil liberties issues. The site also features scanned images of documents EPIC obtains under the FOIA. Second, EPIC publishes a bi-weekly electronic newsletter that is distributed to over 15,000 readers, many of who report on technology issues for major news outlets. The newsletter

reports on relevant policy developments of a timely nature (hence the bi-weekly publication schedule). It has been published continuously since 1996, and an archive of past issues is available at our Web site. Finally, EPIC publishes and distributes printed books that address a broad range of privacy, civil liberties and technology issues. A list of EPIC publications is available at our Web site.

For the foregoing reasons, EPIC clearly fits the definition of "representative of the news media" contained in the FOIA and Department of Commerce regulations. Indeed, the U.S. District Court for the District of Columbia has held that EPIC is a "news media" requester under the FOIA. See Electronic Privacy Information Center v. Department of Defense, 241 F. Supp. 2d 5 (D.D.C. 2003). Based on our status as a "news media" requester, we are entitled to receive the requested records with only duplication fees assessed under 15 C.F.R. § 4.11(c). Further, because disclosure of this information will "contribute significantly to public understanding of the operations or activities of the government," as described above, any duplication fees should be waived. This information is being sought on behalf of EPIC for dissemination to the general public.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a news media organization and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request. Thank you for your assistance.

Very truly yours,



Amanda S. Reid

Electronic Privacy Information Center
1718 Connecticut Ave., N.W.
Suite 200
Washington, DC 20009 USA



111
* +1 202 483 1140 x224 (tel)
* +1 202 483 1248 (fax)
* reid@epic.org
* http://www.epic.org

018418

The Mercury News
The Newspaper of Silicon Valley
MercuryNews.com

750 Ridder Park Drive
San Jose, CA 95190
(408) 920-5000

Elise Ackerman
San Jose Mercury News
750 Ridder Park Drive
San Jose, CA 95190
408-271-3774

April 14, 2004

FEDERAL ELECTION COMMISSION
FOIA Officer, Press Office
999 E St., N.W.
Washington, DC 20463
(202) 694-1220
fax (202) 501-3283

FOIA REQUEST

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. s. 552, I request access to and copies of any communications on file with the Federal Election Commission with the following companies: Ciber Inc., Wyle Labs or Wyle Laboratories, SysTest or American Management Systems. I would also like to review any correspondence between the FEC and a member of the ITA Technical Subcommittee of the National Association of State Election Directors (NASSED), also known as the ITA subcommittee or the Voting Systems Board. I would like to review any documents that fit this request from 1990 to the present date.

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$40.00. However, please notify me prior to your incurring any expenses in excess of that amount.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Through this request, I am gathering information on an issue that is of current interest to the public, namely the testing of voting machines and the drafting of voting machine standards.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request.

Please provide expedited review of this request which concerns a matter of urgency. As a journalist, I am primarily engaged in disseminating information.

The public has an urgent need for information that deals with the integrity testing of voting systems that will be used in the November election.

I certify that my statements concerning the need for expedited review are true and correct to the best of my knowledge and belief.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Very truly yours,



Elise Ackerman

FLORIDA ITINERARY

August 29 – September 1, 2005

Monday, August 29, 2005

Destination: Orlando, FL

Departure: National Airport
7:15 p.m.
US Airways Flight# 1189

Arrival: Orlando, FL
9:23 p.m.

Ground Transportation: Winstar Limo, 407-832-3427 (\$45)
The driver will meet you in the Baggage Claim Area

Hotel: **Rosen Centre Hotel**
9840 International Drive
Orlando, Florida 32819
Confirmation# RR61173B7

Conference Contact: Julie Shaw, Executive Director, ADAWG
Cell phone: [REDACTED]

Tuesday, August 30, 2005

10:00 – 11:00 a.m. **Orlando Sentinel**
633 N. Orange Avenue
Orlando, FL
(407) 420-5418

(Please allow 30 minutes for travel)

Editorial Board Members: Paul Owens and Marianne Arneberg

Contact: Nancy Kunzman, [REDACTED]

12:00 noon – 1:30 p.m. **Rosen Centre Hotel**
Your Presentation
Junior Ballroom G

018421

After presentation: Orange TV, "Elections and You The Voter"
Taped interview with Bill Cowles (5 – 10 minutes)
(To be shown in February)
Bill Cowles will drive you over to the studio
Bill's Cell phone: [REDACTED]

Contact: Sultana F. Ali, OrangeTV Producer
Cell phone: [REDACTED]

Wednesday, August 31, 2005

Departure: Orlando International Airport
10:15 a.m.
Southwest Airline Flight# 2558

Arrival: Fort Lauderdale/Hollywood International Airport
11:10 a.m.

Car: Alamo Rent A Car
Confirmation#: HY0051298690

Directions: Start out towards E. Las Olas Blvd. Turn left onto Las Olas Blvd. Drive 1.3 miles. Turn right onto Seabreeze Blvd. Drive 1.4 miles. Go straight on SE 17th Street. Drive for 0.1 miles. Turn right onto SE 23rd Avenue. Drive a short distance. Turn right onto SE 17th Street. Drive a short distance. Keep slight left to stay on SE 17th Street.

Hotel: Hyatt Regency Pier 66 Resort
2301 SE 17th Street Causeway
Fort Lauderdale FL 33316
(954) 525-6666

Thursday, September 1, 2005

10:00 a.m. Brenda C. Snipes, Supervisor of Elections
Broward County Elections Office
115 South Andrews Avenue, Room 102
Fort Lauderdale, FL 33301

Contact: Clarise, [REDACTED]

Directions/Parking: See enclosed map. Take parking ticket for validation.

018422

2:30 p.m.

Miami Dade Election Board
Lester Sola, Supervisor of Elections
2700 Northwest 87 Avenue
Miami, FL

Contact:

Rosey Pastrana, (305) 499-8548
(Office has its own parking lot)

Car Drop Off:

Alamo Car Rental
3355 NW 22nd Street
Miami

Directions:

See enclosed map.

Departure:

Miami International Airport
5:55 p.m.
American Airlines Flight# 428

Arrival:

National Airport
8:21 p.m.

018423

**HONOLULU, HAWAII
NACRC**

July 14 – July 20, 2005

Thursday, July 14, 2005

Destination: Honolulu, Hawaii

6:00 a.m. Departure to airport

**Departure: National Airport
7:45 a.m.
United Airlines – Flight # 605
(Check waiting list for first- class seating)**

**Arrival: Chicago O'Hare International Airport
8:39 a.m.**

**Departure: 9:55 a.m.
United Airlines – Flight# 1**

**Arrival: Honolulu Airport
1:50 p.m.**

**Ground
Transportation: Taxi - \$25.00 - \$35.00**

**Hotel: Hilton Hawaiian Village Beach Resort & Spa
20005 Kalia Road
Honolulu, HI 96815
(808) 949-4321**

Friday, July 15, 2005

**8:30 – 10:00 a.m. Your Presentation
EAC Update/HAVA Deadline for Compliance**

018424

Saturday, July 16, 2005

Free Day

Sunday, July 17, 2005

12:00 p.m. Lunch (You guys will discuss)
ACCESS BOARD of Hawaii
Joan Bird, HAVA Coordinator
(She will meet you in the Lobby of the hotel. She has your Bio).
Home: [REDACTED]

Monday, July 18, 2005

11:00 a.m. Editorial Board
The Honolulu Advertiser
605 Kapiolani Blvd.
Honolulu, HI

Contact: Sara Montgomery
Editorial Page Assistant
(808) 535-2414

1:00 p.m. League of Women Voters
Jean Aoki
49 South Hotel Street, Room 314
Honolulu Hawaii 96813
(808) 531-7448
(808) 537-6267

Tuesday, July 19, 2005

12:30 p.m. Pick-up for meeting at Hawaii Office of Elections
(Either Michael or Wayne will pick you in front of the hotel. Look for a white 15 passenger van with the State of Hawaii logo on the doors. They also will drop you off at the airport.)

Contact#: (808) 453-8683

018425

1:00 p.m.

Hawaii Office of Elections

802 Lehua Avenue
Honolulu, HI 96782
808.453.8683

Dwayne Yoshina, Chief Election Official

Standards Board Members

Scott Nago, Section Head, Counting Center Operations
Glen Takahashi, Honolulu Election Administrator

Departure:

Honolulu Airport

4:20 p.m.
United Airlines – Flight# 2

Wednesday, July 20

Arrival:

Chicago O'Hare Airport

5:18 a.m.

Departure:

6:00 a.m.,
United Airlines – Flight# 636

Arrival:

National Airport

8:45 a.m.

018420

Summary Schedule

Tuesday, April 5, 2005

- 1902 Depart Miami International Airport, American Airlines 2169
Flight Time: 3 hours 28 minutes
Time Change: - 1 hour
- 2130 Arrive El Dorado Airport, Colombia - Met by Control Officer Colleen Hoey
- 2150 Depart Airport for Casa Dann Carlton Hotel, Calle 94 No. 19-71, Bogota
571.633-8777 Hotel Reservation Confirmation Number: 9441705

Remain Overnight (RON) Casa Dann Carlton Hotel, **Confirmation# 9441705**

Wednesday, April 6, 2005

Ms. Hillman attends Organization of American States 3rd Inter American Meeting on Electoral Technology
Casa Dann Carlton Hotel

RON Casa Dann Carlton Hotel

Thursday, April 7, 2005

Ms. Hillman attends Organization of American States 3rd Inter American Meeting on Electoral Technology
Casa Dann Carlton Hotel

RON Casa Dann Carlton Hotel

Friday, April 8, 2005

- 0815 Depart Hotel for Consejo Nacional Electoral (Drive Time: 40 minutes)
Political Officer Brian Walch will brief you enroute to CNE.
- 0900 Meeting with President of Consejo Nacional Electoral, Dra. Nidia Restrepo de Acosta
Magistrado Guillermo Reyes, National Registry.
(Both speak English)
Avda El Dorado, #46 20 Piso 6
POC Yuceire Moreno 220-0805, 2880
- 1000 Depart CNE enroute Universidad Externado, Calle 12 No. 1-17 Este (Drive Time: 20
minutes). Directions: We will meet at the parking lot off of the Circunvalar, closest to the
auditorium. Take the Circunvalar heading south, get to Egipto church and make a U turn
heading north again. Entrance to University on your left.
- (T)1030 Off the Record Meeting with International Relations Students at Universidad Externado,
Largest International Relations Program in Colombia (simultaneous translation provided)
students studying the United States. You would give a brief background on your career
and your work on elections, including EAC and League of Women Voters, and then take
questions from the students. This would be an off the record event and very informal.
Embassy Public Affairs Section would arrange and staff. PAS POC Pilar Cabrera 310
806-0456.
- 1140 Depart Universidad Externado with Public Affairs Section enroute restaurant for lunch.
- (T)1200 Lunch with Colombian political science professors on U.S. elections (Public Affairs
Section will arrange and host).
- 1330 Depart Lunch enroute Embassy with Public Affairs Section (Drive Time: 20 minutes).

SCHEDULE as of APRIL 4, 2005 1600h

1400 Courtesy Call on Ambassador Wood
1430 Meeting with Consul General Ray McGrath on U.S. Voting Overseas
1515 Depart Embassy enroute Museum TBC

Saturday, April 9, 2005

(\$50 exit fee for official passports – can be paid in U.S. dollars)
0550 Depart Hotel for El Dorado Airport (Drive Time 30 minutes)
0808 Depart El Dorado Airport, American Airlines 2170
Flight Time: 3 hours 35 minutes
Time Change: + 1 hour
1243 Arrive Miami International Airport
1624 Depart Miami International Airport American Airlines 1332

PORTLAND/SALEM, OREGON
April 1 – April 4, 2005

Friday, April 1

Arrival: 7:42 p.m.

**Ground
Transportation:** Taxi

Hotel: **The Benson**
309 SW Broadway
Portland, OR 97205
(503) 228-2000
Confirmation#: WX072932

Saturday, April 2

8:30 a.m. Pick-up for Voter Advocacy Breakfast

Contact: Frank Garcia

9:00 a.m. Voter Advocacy Breakfast Meeting, MAC Club

1:00 p.m. Multnomah County Elections/Vote By Mail Tour

3:00 p.m. Back to the Benson (Free Time)

7:00 p.m. Dinner – “Welcome Committee”

Sunday, April 3

1:00 p.m. Lunch/Sight Seeing - “Welcome Committee”

6:00 p.m. Dinner w/Paddy McGuire & John Lindback

018429

Monday, April 4

7:00 a.m. **Transport from Benson Hotel to Salem**

Contact: **Paddy McGuire**

8:00 a.m. **Arrival to State Capitol**

9:15 a.m. **Transport to Statesman Journal, Salem**

9:30 a.m. **Statesman Journal Editorial Board**

10:30 a.m. **Transport to State Capitol**

10:45 a.m. **Vendor Fair**

12:00 a.m. **Lunch Meeting w/Bill Bradbury & HAVA Steering Committee**

1:45 p.m. **Transport to Oregonian, Portland, OR**

3:00 p.m. **Oregonian Editorial Board**

4:00 p.m. **Transport to Portland Airport**

Contact: **Paddy McGuire**

Departure **Portland Airport**
United Airlines Flight# 6396
7:10 p.m.

Arrival: **San Francisco International Airport**
8:52 p.m.

Departure: **USAir Flight# 159**
9:50 p.m.

Arrival: **Philadelphia Airport**
5:59 a.m.

018430

Maryland State Board of Elections Meeting

Monday, March 14, 2005

PLACE: 151 West Street, Suite 200
Annapolis, Maryland 21401

TIME: 10:30 a.m.

CONTACT: Mary Cramer Wagner
Director, Voter Registration Division
(410) 269-2850

Directions

- Take Route 50 East towards Annapolis.
- Take Exit #24 Rowe Blvd. (Stay right off of exit). Proceed approximately 1 1/2 miles on Rowe Blvd. (There is bridge construction taking place on both Weems Creek Bridge and College Creek Bridge) Continue on Rowe Blvd through 2 traffic lights.
- Rowe Blvd will fork. Bear right at light onto Calvert Street. Proceed to the traffic light where Calvert Street meets West Street.
- Turn right onto West Street and continue to 151 West Street on left hand side.

Parking space, SBE 4, has been reserved for you.

018431

NEW YORK ITINERARY
December 14 – December 16, 2004

Tuesday, December 14, 2004

Destination: New York City

Confirmation#: 4G5XJ2

Departure: National Airport
3:30 p.m.
Delta – Flight # DL 1958

Arrival: New York LaGuardia International Airport
4:36 p.m.

Ground Transportation: Taxi - \$45.00 (flat rate)

Hotel: Metropolitan Hotel
569 Lexington Avenue
New York, NY 10022
(212) 752-7000

Wednesday, December 15, 2004

8:30 a.m. The State of Our Elections: What Went Right and Wrong in the Administration of the 2004 Elections
(your portion of the meeting is from 9:00-11:00 a.m.)
Carnegie Corporation of New York
437 Madison Avenue, 26th Floor
(Between 49th & 50th Streets)
New York, NY

Contact: Ronnie Garwood


Fellow Presenters: Miles Rapoport, Demos
Norm Ornstein, American Enterprise Institute
Adam Cohen, New York Times, Editorial Board
Thomas Mann, The Brookings Institution

018432

2:30 p.m. **Demos Meeting**
220 5th Avenue, 5th Floor
New York, NY

Agenda: First hour – NVRA
 Second hour – Election Day

Attendees: Miles Rapoport, Demos
 Lucy Mayo, Demos
 Steve Carbo, Demos
 Joanne Chasnow, Project Vote
 Doug Hess, Project Vote

Contact: Lucy Mayo
 (212) 633-1405, ext. 772

7:00 p.m. **Jezabel's**
630 9th Ave, Manhattan
(212) 582-1045

Thursday, December 16

12:30 p.m. **Sandy Cloud**
Office: (212) 545-1300, ext. 224
Union League Club
38 East 37th Street (off Park Avenue)

Contact: Kathleen Harley-King
 (202) 682-2322, ext. 21

Destination: **Washington, D.C.**

Departure: **New York LaGuardia International Airport**
Delta Airlines, Flight# DL 1967
7:30 p.m.

Arrival: **National Airport**
8:44 p.m.

Contact Information

Cheryl

Cell: [REDACTED]

Home: [REDACTED]

018430

CALIFORNIA ITINERARY
October 27 – November 3, 2004

Wednesday, October 27, 2004

Destination: Norwalk, CA

Departure: Dulles Airport
4:20 p.m.
United Airlines – Flight # 195
Confirmation #: 826895020

Arrival: Los Angeles Airport
6:43 p.m.

**Ground
Transportation:** Conny McCormack will be at the luggage carousel
for that United flight. Call her when you get off the
plane.
Cell: [REDACTED]

Hotel: Marriott
13111 Sycamore Drive
Norwalk, California 90650
Phone: 1-562-863-5555
Fax: 1-562-868-4486

Confirmation#: 84819217

018434

Thursday, October 28

*Robert Huff from LA County Elections will drive you to Cal State Long Beach.
Cell: [REDACTED] He will call you at the Marriott Hotel or on your cell
phone to coordinate pick-up times.*

12:00 p.m. California State University, Long Beach

1250 Bellflower Blvd.
University Student Union, Room 307
Long Beach, CA

Contact:

Brigette Young
Office: (562) 985-2402
Cell: [REDACTED]
Room 307: (562) 985-4994

Attendees:

Charles Noble, Chair and Professor, Dept. of Political
Science, Director, International Studies Program
Liesl Hass, Professor, Dept. of Political Science
Cora Goldstein, Professor, Dept. of Political Science
Richard Haesly, Professor, Dept. of Political Science
Pam Fiber, Professor, Dept. of Political Science
Katie Mac, Student Poll Worker Coordinator, County of
Los Angeles Registrar-Recorder/County Clerk
Kim Hinckson, Student Govt. Advisor (Project Manager)
Associated Students, CSULB
Brigette Young, Development Associate, Associated
Students, CSULB Students, CSULB
Michele Deane, Program Director for Girls Today Women
Tomorrow

1:00 p.m.

Lunch with Brigette, Michele and CSULB staff

018435

4:00 p.m. **Los Angeles Conservation Corps (LACC)**
2130 East 1st Street
Los Angeles, CA
Contact: **Michele Deane**
Cell: [REDACTED]

5:30 p.m. **The Bev Smith Show**
[LACC Office, (323) 526-3039]
Studio: (412) 325-4197
Producer: Lawrence Gaines, [REDACTED]

Friday, October 29

***Last minute media requests may alter schedule**

10:00 a.m. **Commissioner Hillman to address Los Angeles**
County Grand Jury
13-303 Criminal Courts Bldg. 210 W. Temple St.
Los Angeles, Ca 90012
Contact: Bob Dobson [REDACTED]

11:30 a.m. **Reception (informal lunch/meeting)**
League of Women Voters Office
3250 Wilshire Blvd. Suite 1005
Los Angeles, CA
(20 League leaders from all over LA County will attend).
Contact: Thea Brodkin, [REDACTED]

1:30 p.m. **Braille Institute (early voting site)**
741 N. Vermont Ave.
Los Angeles, CA
Contact: Eleanor Wright, [REDACTED]

2:00 p.m. **NAACP**
3910 MLK Blvd.
Los Angeles, CA
Contact: Geraldine Washington [REDACTED]

4:00 p.m. **Edison International (telephone call)**
Contact: Fred Grigsby, [REDACTED]

Saturday, October 30

9:45 a.m. **Registrar-Recorder/County Clerk simulation (within**
walking distance from hotel)
Kris Heffron, Chief Deputy
Office: (562) 462-2716
Cell phone: [REDACTED]
12400 Imperial Hwy.
Norwalk, CA

11:30 a.m. Tiny Lopes
Home: [REDACTED], Cell: [REDACTED]
Lunch
Marriott Hotel

Sunday, October 31, 2004

11:00 a.m. Brunch reception at Conny's home.

Monday, November 1

10:00 a.m. **National Association of Latino Elected Officials**
(NALEO) to observe their voter hotline.
1122 W. Washington Blvd., 3rd Floor, LA 90015.

Contact: Maria de la Cruz Garcia, [REDACTED]

12:00 Noon **Lunch**

1:30 p.m. **Orange County Board of Elections**
1300 South Grand Avenue, Building C
Santa Ana, CA 92705

Contact: Steve Rodermund, [REDACTED]

Riverside County Board of Elections
2724 Gateway Drive
Riverside, CA 92507-0918

Contact:

Barbara Dunmore, [REDACTED]

Tuesday, November 2 – Election Day

9:00 a.m. Visit polling places with other VIP visitors (Dushyant Bala will be driving)

Wednesday, November 3, 2004

9:30 a.m. Attend Board of Supervisors Meeting at Hall of Admin.
Receive scroll – Robert Huff will probably drive her there.

12:30 p.m. **John Mack (lunch)**
Los Angeles Airport Marriott
5855 West Century Blvd.
[REDACTED]

Destination: **Washington, D.C.**

Departure: **L.A. International Airport**
4:10 p.m.
United Airlines – Flight # 202

Arrival: **Dulles Airport**
11:47 p.m.

018438

OHIO ITINERARY

October 18 – 22, 2004

Monday, October 18, 2004

Destination: Columbus, OH

**Scheduled
Pick-up:** 5:45 p.m.

Departure: **National Airport**
7:50 p.m.
US Airways – Flight # 3215
Confirmation #: 826895020

Arrival: **Columbus, OH**
9:14 p.m.

**Ground
Transportation:** Taxi **OR**
Urban Express Transportation – a van service
that runs every hour; located outside of the
baggage claim area to the left of a digital
clock. Van is there 20 minutes before the
hour (\$10.00).

Hotel: The Columbus, Renaissance Hotel
50 North 3rd Street
Columbus, OH
(614) 228-5050
Confirmation#: 82785618

018439

Tuesday, October 19

9:30 a.m. **Northern Kentucky University**
The Columbus, Renaissance Hotel – Lobby
Contact: Missy Gish, Outreach & Community Engagement
Specialist
Cell: [REDACTED]
Dr. Joan Ferrante, Interim Director of the Scripps
Howard Center for Civic Engagement

11:00 a.m. **Depart for Elections Officials luncheon (closed event)**
Contact: Matt Damschroder, Director of Franklin County
Election Board, (Rep)
Office: (614) 462-6686
Cell: [REDACTED]

11:30 a.m. **Luncheon with local Election Officials (closed event)**

2:00 p.m. **Poll Worker Training Class**
Mt. Vernon Avenue AME Church

3:45 p.m. **Columbus Dispatch Editorial Board Meeting or Square Press Corps press conference**

4:20 p.m. **Return to Hotel**

6:30 p.m. **Private Dinner with Franklin County Board of Elections Key Staff**
Matt Damschroder will pick you up

Other Attendees: Mike Hackett, Deputy Director; Libbie Worley, Chris Wilson, Renee Kelco, Karen Cotton, Jeff Graessle)

8:30 p.m. **Return to Hotel**

Wednesday, October 20

8:00 a.m. **Matt Damschroder, Cell: [REDACTED] and
Mike Hackett, Cell: [REDACTED] will pick you up
from the hotel.**

8:10 a.m. **Tour of the Franklin County Board of Elections
Office
280 East Broad Street, 1st Floor
Office: (614) 462-3100**

9:00 a.m. **Depart for Ashland**
Contact: **Ray Butler, Community Liaison Officer
Mahoning County Board of Elections
Cell: [REDACTED]
Work: (330) 783-2474
Home: [REDACTED]**

10:30 a.m. **Tour of Ashland County Board of Elections
Kathy Howman, Director (Rep)**

[REDACTED]

12:00 p.m. **Lunch with Summit County Election Officials
Bryan Williams, Director (Rep)**

[REDACTED]

1:00 p.m. **Tour of Summit County Election Office**

2:00 p.m. **Depart for Youngstown**

3:30 p.m. **Arrive at hotel
Holiday Inn, Youngstown South
7410 South Avenue
Boardman, OH
(330) 726-1611
Confirmation# 61177128**

5:00 p.m. **Dinner with Mahoning County Election Officials**

Thursday, October 21

- 9:00 a.m. Mahoning County Board of Elections Meeting**
(Community leaders have been invited)
Michael Sciortino, Director (Dem), Standards Board
Member and President of the Association of Ohio
Election Officials
Office: (330) 783-2474
- 12:00 p.m. Lunch with Cuyahoga and Mahoning Directors**
- 2:00 p.m. Depart for Cleveland**
Michael Vu, Director (Dem)
2925 Euclid Ave.
Cleveland, CA
Cell: [REDACTED]
Office: (216) 443-6455
- 4:00 p.m. Meet with Congresswoman Stephanie Tubbs
Jones at the Cuyahoga County Board of Elections**
Contact: Beverly Charles, Scheduler for Congresswoman
Tubbs Jones
Office: (216) 522-4900
Cell Phone: [REDACTED]
- 5:00 p.m. Childer's Car Service will pick up for trip to
Toledo**
Driver's Cell:
- 7:00 p.m. Arrive in Toledo**
Wyndham Hotel
Two SeaGate/Summit Street
Toledo, OH
(419) 241-1411 (Checkout - 12:00 p.m., noon)
- Presenters**
Dinner: Real Seafood Company
22 Main Street
Toledo, OH

Friday, October 22

- 8:00 a.m.** **University of Toledo College of Law Conference
Faculty member will pick up all presenters**
- 9:45 a.m.** **Presentation**
- 12:00 p.m.** **Lunch with Professor Friedman and other presenters**
- 1:30 p.m.** **Conference Call with Senator Fedor
Cell: [REDACTED]**
- 4:05 p.m.** **Depart Toledo Airport (30 minute layover in
Cincinnati)**
- 8:00 p.m.** **Arrive at National Airport**



Gracia
Hillman/EAC/GOV
12/13/2004 04:20 PM

To sbanks@eac.gov
cc
bcc
Subject Fw: NCBCP Follow-up Meeting Requested

Please call Melanie to set up a date in January for the meeting she requested.

----- Forwarded by Gracia Hillman/EAC/GOV on 12/13/2004 04:20 PM -----
"Melanie Campbell" <melaniec@ncbcp.org>

12/13/2004 02:44 PM

To ghillman@eac.gov
cc execasst@ncbcp.org
Subject RE: NCBCP Follow-up Meeting Requested

Thanks Gracia for meeting with me today. I will send out the EAC Announcement for the executive director position today to our e-mail lists.

I look forward to another opportunity to follow-up with you as we all continue to assess what worked and what didn't work in the 2004 Election as far as the implementation of HAVA and other election systems issues.

I would like to schedule another time in January to share with you the results of our Election Day Poll, what we learned from our hotlines (1-866-OUR-VOTE and our Tom Joyner registration hotline 1-866-316-VOTE) and information on the poll locator website we utilized during the 2004 Election. I would like to bring our hotline vendor, Ken Smukler and NCBCP Board member, Rene Redwood, to join us for that follow-up meeting.

Please let me know when your schedule will allow a follow-up meeting hopefully in January.

018445

Thanks.

Melanie

Melanie L. Campbell
Executive Director & CEO
National Coalition on Black Civic Participation, Inc.
1900 L Street, NW
Suite #700
Washington, DC 20036
(202) 659-4929
melaniec@ncbcp.org
bigvote.org
voicesoftheelectorate.org
unity04.net

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From: ghillman@eac.gov [mailto:ghillman@eac.gov]
Sent: Monday, December 13, 2004 12:07 PM
To: melaniec@ncbcp.org
Subject: EAC Executive Director

Happy Holidays!!

Gracia M. Hillman
Vice Chair
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005
Tel: 202-566-3100
Fax: 202-566-1392
www.eac.gov

018448



Gracia Hillman/EAC/GOV
01/10/2005 05:58 PM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, DeForest Soaries
Jr./EAC/GOV@EAC, Juliet E.
Carol A. Paquette/EAC/GOV@EAC, sbanks@eac.gov,
cc dmurphy@eac.gov, aambrogi@eac.gov, Spring A.
Taylor/EAC/GOV@EAC

bcc

Subject Meeting With Nonprofits

Attached is the draft letter that will be sent to the executive leadership of various nonprofit organizations inviting them to meet with us on Monday, January 24.

Please feel free to email back to me any comments and edits to the letter. My plan is to begin sending out the letters tomorrow (Tuesday).

Via this email, I am asking Julie to make certain I have extended the appropriate invitation for this closed door meeting.

It is also my plan to have a copy of the invitation list for you at tomorrow (Tuesday) morning's Discussion Session.



Mtg with Nonprofits, Jan 11 Invite Ltr.doc

018447

January 11, 2005

****DRAFT****

Line 1 Name
Line 2 Organization
Line 3 Street Address
Line 4 City, State, Zip

Dear

The U.S. Election Assistance (EAC) Commissioners request your presence at a meeting to be held on Monday, January 24, 2005. The meeting will begin at 1:30 p.m., is expected to last about 90 minutes, and will be held at our offices at 1225 New York Avenue, NW, Suite 1100, Washington, DC 20005.

As you know, the Help America Vote Act of 2002 (HAVA) established EAC to make certain that the law is fully and effectively implemented. The work of your organization brings value to this process. We also feel it is extremely important to have a direct relationship with the executive leadership of the nonprofit organizations that are committed to ensuring that American voters have confidence in the integrity and fairness of our elections. We did not have the opportunity to have such a meeting in 2004 and want to make certain that we do so early in 2005, before we begin our aggressive schedule of public meetings and hearings.

While we want an opportunity to personally share with you the broad based components of our 2005 work plan, it is our desire to have a broader discussion of how America is fairing under HAVA. You have been invited as the head of your organization because it is important that we hear directly from you. Your perspectives inform and bring value to our work as EAC Commissioners. Recognizing that we all rely heavily on expertise within our organizations, you are welcome to bring a member of your staff with you but we also want to emphasize that it is your input that we seek.

I hope you will join us on January 24 and look forward to seeing you then. Please confirm your attendance with my office at 202-566-3111. We will also need to know the name of any one who will accompany you to the meeting. My assistant, Sheila Banks, will provide any additional information you might need.

Best wishes for a wonderful, peaceful and successful New Year.

Sincerely,

Gracia Hillman
Chair

018448

**Karen
Lynn-Dyson/EAC/GOV**
02/28/2005 05:13 PM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, DeForest Soaries
Carol A. Paquette/EAC/GOV@EAC, Sheila A.
cc Banks/EAC/GOV@EAC, Holland M.
Patterson/EAC/GOV@EAC, Spring A.
bcc.
Subject Working group meeting on State-wide VR databases
set for March 23-24 in D.C.

Commissioners-

At a session today, in which we discussed the upcoming public hearing on state-wide VR databases, set for Boston, on April 26, 2005, it was agreed that we will hold our working group meeting on state-wide VR databases on March 23 and 24, here in Washington..

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

018449



Gracia Hillman/EAC/GOV
02/26/2005 02:28 PM

To "Sheila Banks" <sbanks@eac.gov>
cc
bcc
Subject Fw: Meeting with Ted Selker, MIT/Calech Voting Project

Please handle. I am interested in meeting with him.

Sent from my BlackBerry Wireless Handheld

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

From: "Sarah Dionne" [dionne@media.mit.edu]
Sent: 02/25/2005 05:47 PM
To: ghillman@eac.gov
Subject: Meeting with Ted Selker, MIT/Calech Voting Project

Hello Ms. Hillman,

Ted Selker will be in DC next week and he was hoping to be able to meet with you.

He will be arriving Wednesday, March 2 and would have time after 4:00 that day or Thursday morning before 10:00.

Please let me know what could work with your schedule.

Thank you.

sarah
:.....
Sarah Dionne
Administrative Assistant
Context-Aware Computing Group
Ambient Intelligence Group
20 Ames Street, E15-322
Cambridge, MA 02139
phone: 617.253.0291
fax: 617.258.0910

p.s. I will be out of the office Monday so I will be able to confirm any suggested meeting time on Tuesday.



"Clark, Brad, ROV"
<brad.clark@acgov.org>

To sbanks@eac.gov

cc

04/20/2005 07:16 PM

bcc

Subject Re: Meeting with EAC

Thanks. I don't think that it will go beyond an hour. Of course Conny McCormack will be there which is bound to add a few minutes. Lol.

Brad

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

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

From: sbanks@eac.gov <sbanks@eac.gov>
To: Clark, Brad, ROV <brad.clark@acgov.org>
Sent: Wed Apr 20 14:46:32 2005
Subject: Re: Meeting with EAC

Brad,

Just a note to let you know that I have confirmed your meeting with the Chair and the Vice Chair on Thursday, May 5 at 10:00 a.m. Do you think this meeting will last 2 hours?

Sheila

018451



"David Capozzi"
<capozzi@ACCESS-BOA
RD.GOV>

05/02/2005 05:01 PM

To **"Sbanks@eac.gov"** <Sbanks@eac.gov>
"James R. Harding (hardinj@vr.doe.state.fl.us)"
cc <hardinj@vr.doe.state.fl.us>, **"Ed. D. James R.**
Harding (JRFSU@comcast.net)"

bcc

Subject **Access Board meeting;**

Sheila:

Thanks for calling today. We are glad that the Chairman can attend the Board meeting. We are looking for about 30 minutes including questions and answers focusing on what the EAC has accomplished so far -- especially the voting systems guidelines and the work that Jim and JR have contributed. It would be interesting for people to learn more about what comes next as well. Here is a link that describes more about the Board and its members:

<http://www.access-board.gov/indexes/aboutindex.htm>

BOARD MEETING

Day and Date: Wednesday, May 11, 2005

Location: The Westin Embassy Row
2100 Massachusetts Avenue, NW
Washington, DC

Time: 1:30 - 3:00 p.m.

- I. Introductory Remarks - Jan Tuck, Chair
- II. Roll Call
- III. Approval of the March 9, 2005 Draft Meeting Minutes
- IV. Committee Reports
 - A. Ad Hoc Committee on Board Election Process
 - B. Planning and Budget Committee
 - C. Technical Programs Committee
 - D. Executive Committee
 - § Editorial Corrections to Revised ADA and ABA Accessibility Guidelines (Voting)
- E. Public Rights-of-Way
- VI. New Business
 - A. Presentation from the Election Assistance Commission
- VII. Adjourn

018452

David M. Capozzi
Director, Technical and Information Services
U.S. Access Board
1331 F Street, NW
Suite 1000
Washington, DC 20004-1111

202-272-0010 (Voice; direct dial)
[REDACTED] (cell)

capozzi@access-board.gov (e-mail)
<http://www.access-board.gov> (web site)

018453



"Leslie Reynolds"
<reynolds@sso.org>

03/03/2005 01:40 PM

To "'Anna Anaya (E-mail)'" <secstate@state.nm.us>,
"Bill Bradbury" <oregon.sos@state.or.us>, "Cathy
Cox" <ccox@sos.state.ga.us>, "Chet Culver"
"Meredith B. Imwalle" <mimwalle@sso.org>, "Sheila
Banks" <sbanks@eac.gov>

cc

bcc

Subject NASS Executive Board Meeting with the EAC
Commissioners on Tuesday, March 22, 2005

Good Afternoon:

For the most part, the details and arrangements for the NASS Executive Board meeting with the EAC Commissioners are complete and I wanted to get this out to you for your information.

The meeting will take place on Tuesday, March 22, 2005 from 2:00pm – 4:00pm. The meeting will be held in the EAC Conference Room. The EAC is located at 1225 New York Avenue, N.W. Suite 1100.

The Executive Board members attending in person will be:

Hon. Rebecca Vigil-Giron, NM, NASS President
Hon. Donetta Davidson, CO, NASS President-elect
Hon. Deb Markowitz, VT, NASS Treasurer
Hon. Mary Kiffmeyer, MN, NASS Immediate Past President
Hon. Pedro Cortes, PA, NASS Eastern Region VP
Hon. Ron Thornburgh, KS, NASS Midwestern Region VP
Hon. Joe Meyer, WY, NASS Western Region VP
Hon. John Gale, NE, NASS Executive Board Member at Large

Meredith Imwalle, NASS Communications Director will be attending the meeting in person

Paddy McGuire, OR Deputy Secretary of State will participate via phone on behalf of the Hon. Bill Bradbury, OR, NASS Executive Board Member at Large
Charlie Krogmeier, IA First Deputy Secretary of State will participate via phone on behalf of the Hon. Chet Culver, IA, NASS Secretary
Leslie Reynolds, NASS Executive Director will participate via phone.

This is a busy time in Washington and hotel rooms were difficult to come by. Government rates were impossible to come by. For those who requested we find them a room, we have made reservations at the Four Points by Sheraton. I have confirmed these rooms with my personal Amex. It would be greatly appreciated if you could transfer the charges to your card when you check in! This hotel is about a block and a half from the EAC. The address is:

1201 K Street, N.W. Washington, DC
202-289-7600
202-349-2215 Fax

Rebecca Vigil-Giron, arrive 3-21-05 and depart 3-23-05, confirmation #107353401
Donetta Davidson, arrive 3-21-05 and depart 3-23-05, confirmation # 707354376
John Gale, arrive 3-21-05 and depart 3-22-05, confirmation # 867353401
Mary Kiffmeyer, arrive 3-21-05 and depart 3-22-05, confirmation # 187353402
Joe Meyer, arrive 3-21-05 and depart 3-23-05, confirmation # 527353401

Secretaries Markowitz, Cortes and Thornburgh will be arriving and departing on March 22, 2005 and therefore did not request a room.

The EAC will hold their monthly public meeting that morning from 10am – 12:00pm. Obviously you are

018454

welcome to attend. I do not know what the public meeting agenda is yet.

Finally, Chair Hillman sent an email to Sec. Vigil-Giron in the middle of February saying that she planned to send her a list of topics that the EAC would like to discuss prior to the meeting. She requested that we do the same. Therefore, if you have any topics you would like addressed, please feel free to send them to me and I will make sure that they are included on the list Sec. Vigil-Giron sends back.

Thanks so much. Sorry I will miss you all when you are in town, but it is spring break for the kids' school and we are off to Florida.

Leslie D. Reynolds
National Association of Secretaries of State
Executive Director
444 N. Capitol Street, N.W. #401
Washington, DC 20001
www.nass.org
202-624-3525
202-624-3527 Fax

018455



"Wendy Weiser"
<wendy.weiser@nyu.edu
u>

05/13/2005 06:52 PM

To aambrogi@eac.gov

cc

Subject Re: Monday 5/16 database meeting

Adam,

I successfully changed my train to one that is supposed to arrive at Union Station at 11:00 am on Monday. I therefore plan to come meet the Commissioner at 11:30 am. If the train is delayed, I will leave you a message.

As for the meeting attendees, they are:

Wendy Weiser, Brennan Center for Justice at NYU School of Law
Justin Levitt, Brennan Center for Justice at NYU School of Law
Lloyd Leonard, League of Women Voters
James Dickson, American Association of People with Disabilities
Steven Carbo, Demos
Jonah Goldman, Lawyers Committee for Civil Rights Under Law
Laleh Ipsahani, American Civil Liberties Union
Tanya Clay, People for the American Way
Larry Gonzalez, NALEO (arriving late)

Possible additional attendees include:

Jo-Anne Chasnow, Project Vote
Heather Thompson, Appleseed Foundation
Jeanette Senecal, League of Women Voters

Thank you. I look forward to meeting you in person.

Best,

Wendy

Wendy R. Weiser
Associate Counsel, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue of the Americas, 12th Floor
New York, NY 10013
(212) 998-6130 (direct)
(212) 995-4550 (fax)
wendy.weiser@nyu.edu

18456

>>> <aambrogi@eac.gov> 05/13/05 12:07PM >>>

Wendy:

Just making sure you received my phone message from yesterday. Depending on when you get into DC, the Commissioner would like to have a discussion with you over lunch prior to the meeting. Would 11:30 be OK?

Let me know. Best,
Adam

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

"Wendy Weiser" <wendy.weiser@nyu.edu>

05/12/2005 04:30 PM

To aambrogi@eac.gov
cc
Subject Monday 5/16 databse meeting

Adam,

I wanted to touch base to finalize the arrangements for our meeting on Monday, May 16 regarding the database guidance. Specifically, we need to clarify the time and location of the meeting. (I believe that you said that you preferred 12:30 pm.) I would also like to confirm that I am responsible for the meeting agenda. Finally, I have consulted with other advocates and have a near-final list of those who would like to attend. Please let me know if you would like a copy of that list in advance. Thanks, and I look forward to meeting you in person.

Best,

Wendy

018457

Wendy R. Weiser
Associate Counsel, Democracy Program
Brennan Center for Justice at NYU School of Law
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(212) 998-6130 (direct)
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wendy.weiser@nyu.edu

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