



"Tom O'Neill"  
[Redacted]

03/02/2006 12:25 PM

To klynndyson@eac.gov

cc tokaji.1@osu.edu, ireed@rutgers.edu,  
john.weingart@rutgers.edu, [Redacted],  
foley.33@osu.edu, rmandel@rci.rutgers.edu, "Tim"

bcc

Subject RE: Meeting with EAC in March

History:

✉ This message has been replied to and forwarded.

Karen, I circulated both the 23<sup>rd</sup> and 30<sup>th</sup> as possible dates and asked each member of the team to reply with which date worked best.

Ingrid may not be available on the 23<sup>rd</sup>, but others will be.

We planned to pick the date when most could attend.

Tom O'Neill

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

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]

**Sent:** Thursday, March 02, 2006 11:59 AM

**To:** [Redacted]

**Cc:** nmortellito@eac.gov

**Subject:** RE: Meeting with EAC in March

I'll have Nicole double check on this.

I was under the impression from Ingrid that Eagleton's preference was March 30.

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

"Tom O'Neill" <tom\_oneill@verizon.net>

024622

03/02/2006 11:49 AM

To: klynndyson@eac.gov  
cc

Subject: RE: Meeting with EAC in March

Karen,

Is March 23 now also off the table as a possible date?

Tom O'Neill

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

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]

**Sent:** Thursday, March 02, 2006 11:36 AM

**To:** [REDACTED]

**Cc:** nmortellito@eac.gov

**Subject:** Re: Meeting with EAC in March

Tom-

I'm going to ask our Research Assistant, Nicole Mortellito to try and work with our EAC Commissioner staff and with you to find a date and time for our close-out meeting.

I have run into a number of snags with schedules and have found that the 30th works for very few on this end.

Nicole, please work with Tom on dates which are either early on in March or the very first part of April.

024623

Thanks

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



"Tom O'Neill"  
[Redacted]  
03/02/2006 11:49 AM

To klynndyson@eac.gov  
cc  
bcc

Subject RE: Meeting with EAC in March

History: This message has been replied to.

Karen,

Is March 23 now also off the table as a possible date?

Tom O'Neill

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**Sent:** Thursday, March 02, 2006 11:36 AM

**To:** [Redacted]

**Cc:** nmortellito@eac.gov

**Subject:** Re: Meeting with EAC in March

Tom-

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I have run into a number of snags with schedules and have found that the 30th works for very few on this end.

Nicole, please work with Tom on dates which are either early on in March or the very first part of April.

Thanks

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

024625



Nicole  
Mortellito/CONTRACTOR/EAC  
/GOV

03/02/2006 11:37 AM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc

bcc

Subject Re: Meeting with EAC in March

History:

This message has been replied to

Just so I'm not chasing loose ends on the EAC front....EAC staff attending the Eagleton close-out meeting are...

Please advise. Thank you!

Regards,

Nicole K. Mortellito  
Research Assistant  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.2209 phone  
202.566.3128 fax

024626

Donetta L.  
Davidson/EAC/GOV  
03/01/2006 04:06 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc  
Subject Re: Final meeting with Eagleton 

Sorry, I double checked and all dates are taken for me.

024627

Donetta L.  
Davidson/EAC/GOV  
03/01/2006 04:03 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc  
Subject Re: Final meeting with Eagleton 

Karen, I can be there March 29th, sorry that is my only date.

024628



"Tom O'Neill"  
[Redacted]  
02/17/2006 01:27 PM

To klynndyson@eac.gov  
cc  
bcc  
Subject RE: January Progress Report

Karen, Dan Tokaji will be tied up until 3:30 that day –that's why I suggested 3:45. but you're right, the round number of 4 makes more sense. I'll let the group know.

Tom O'Neill

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

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]  
**Sent:** Friday, February 17, 2006 1:25 PM  
**To:** [Redacted]  
**Subject:** RE: January Progress Report

3:45 is fine. Certainly, we could say 4:00

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

"Tom O'Neill" [Redacted]

02/17/2006 11:28 AM

To klynndyson@eac.gov  
cc  
Subject RE: January Progress Report

024629

Karen, It looks like 3:45 would be better for the group. If that fits your needs, I'll confirm with the participants from Eagleton and Moritz.

Tom O'Neill

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

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]

**Sent:** Friday, February 17, 2006 8:55 AM

**To:** [REDACTED]

**Subject:** RE: January Progress Report

Tom-

Should I mark my calendar for 2/28 at 3:00?

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

"Tom O'Neill" [REDACTED]

02/16/2006 10:58 PM

To: klynndyson@eac.gov  
cc

Subject: RE: January Progress Report

024630

Thanks, Dan..

Tom O'Neill

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

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]

**Sent:** Thursday, February 16, 2006 5:09 PM

**To:** [REDACTED]

**Cc:** arapp@rci.rutgers.edu; davander@eden.rutgers.edu; dlinky@rci.rutgers.edu; foley.33@osu.edu; ireed@rutgers.edu; 'Johanna Dobrich'; joharris@eden.rutgers.edu; john.weingart@rutgers.edu; [REDACTED]; rmandel@rci.rutgers.edu; Tim Vercellotti; tokaji.1@osu.edu

**Subject:** RE: January Progress Report

Shall we say February 28 at 3:00 PM?

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

"Tom  
O'Neill"  
<tom\_onei  
ll@verizon  
.net>

02/16/2006  
6 03:33

PM

To: klynndyson@eac.gov

cc: "Tim Vercellotti" <tim.vercellotti@rutgers.edu>, arapp@rci.rutgers.edu, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, ireed@rutgers.edu, joharris@eden.rutgers.edu, john.weingart@rutgers.edu, rmandel@rci.rutgers.edu, "Johanna Dobrich" <jdobrich@eden.rutgers.edu>, tokaji.1@osu.edu, foley.33@osu.edu, [REDACTED]

Subject: RE: January Progress Report

024631

Karen, I'll survey the group about the best time for a conference call. The 24<sup>th</sup> does not look like a good time. We have a teleconference with the Peer Review Group on the Voter ID paper scheduled for Feb. 22, and therefore would be hard-pressed to review the précis of your comments in time for a discussion on the 24<sup>th</sup>. The next week would be more promising, perhaps Tuesday, Feb 28 in the afternoon.

We still plan to deliver the Voter ID paper to you the first week in March.

Tom O'Neill

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**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]

**Sent:** Thursday, February 16, 2006 1:33 PM

**To:** [REDACTED]

**Cc:** arapp@rci.rutgers.edu; davander@eden.rutgers.edu; dlinky@rci.rutgers.edu; foley.33@osu.edu; ireed@rutgers.edu; 'Johanna Dobrich'; joharris@eden.rutgers.edu; john.weingart@rutgers.edu; [REDACTED] rmandel@rci.rutgers.edu; Tim Vercellotti; tokaji.1@osu.edu

**Subject:** Re: January Progress Report

Tom-

I have now received comments back on the Provisional Voting Best Practices document, from all of EAC's senior staff. I am in the process of combining these comments into one document, and

024632

will get the copy to you by mid-week next week.

By-and-large the comments are not major. The comment of greatest magnitude relates to the fact-checking process and the overall accuracy of regarding Eagleton's/Moritz' recording of States' previous experiences with provisional voting.

Overall, the Commission is continuing to review its option of issuing guidance on this topic, along with best practices.

Shall we schedule a conference call for Friday, February 24 at 10:00 AM to go over the EAC's comments and Eagleton putting the finishing touches on its report?

Also, when should the EAC expect the Voter ID document?

Regards-

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

024633



"Tom O'Neill"  
[Redacted]  
02/17/2006 11:28 AM

To klynndyson@eac.gov  
cc  
bcc  
Subject RE: January Progress Report

History: This message has been replied to

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02/16/2006 10:58 PM

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**Subject:** RE: January Progress Report

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

"Tom  
O'Neill"

[REDACTED]

02/16/2006  
6 03:33

PM

To: klynndyson@eac.gov

cc: "Tim Vercellotti" <tim.vercellotti@rutgers.edu>, arapp@rci.rutgers.edu, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, ireed@rutgers.edu, joharris@eden.rutgers.edu, john.weingart@rutgers.edu, rmandel@rci.rutgers.edu, "Johanna Dobrich" <jdobrich@eden.rutgers.edu>, tokaji.1@osu.edu, foley.33@osu.edu, [REDACTED]

024635

SubjectRE: January Progress Report

Karen, I'll survey the group about the best time for a conference call. The 24<sup>th</sup> does not look like a good time. We have a teleconference with the Peer Review Group on the Voter ID paper scheduled for Feb. 22, and therefore would be hard-pressed to review the précis of your comments in time for a discussion on the 24<sup>th</sup>. The next week would be more promising, perhaps Tuesday, Feb 28 in the afternoon.

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**Subject:** Re: January Progress Report

Tom-

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024636

By-and-large the comments are not major. The comment of greatest magnitude relates to the fact-checking process and the overall accuracy of regarding Eagleton's/Moritz' recording of States' previous experiences with provisional voting.

Overall, the Commission is continuing to review its option of issuing guidance on this topic, along with best practices.

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Also, when should the EAC expect the Voter ID document?

Regards-

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



"John Weingart"  
<john.weingart@rutgers.edu>

01/13/2006 04:07 PM

Please respond to  
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc

bcc

Subject Re: No Cost Extension Request

Thanks. Hope you have a great weekend.

-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>  
> John-  
>  
> Thanks ever so much for all your work on this. As you can see,  
> contracts are a bit of a different animal than grants.  
>  
> Will incorporate this information into my materials, and recommend the  
> extension of the contract to March. Still no word on the best  
> practices document; you and Tom will be the first to know (smile).  
>  
> Regards-  
>  
> Karen Lynn-Dyson  
> Research Manager  
> U.S. Election Assistance Commission  
> 1225 New York Avenue , NW Suite 1100  
> Washington, DC 20005  
> tel:202-566-3123  
>  
>  
>  
> \*"John Weingart" <john.weingart@rutgers.edu>\*  
>  
> 01/13/2006 01:15 PM  
> Please respond to  
> john.weingart@rutgers.edu  
>  
>  
>  
> To  
> "Karen Lynn-Dyson" <klynndyson@eac.gov>  
> cc  
> "Lucy Baruch" <baruch@rci.rutgers.edu>  
> Subject  
> No Cost Extension Request  
>  
>  
>  
>  
>  
>

024638

>  
>  
>  
> Karen - I am attaching a spreadsheet providing the information you have  
> requested (Attachment 1), but I want to highlight a few points which may  
> not be immediately self-evident.  
>  
> First, the original budget (Attachment 2) we submitted to the EAC, dated  
> March 22<sup>nd</sup> , did not itemize personnel expenses by each person. In  
> addition, when we actually began work two months after submitting that  
> budget, we decided to reallocate more time to people within Eagleton and  
> hire fewer outside hourlies.  
>  
> Second, in the figures I sent you in late December we tried to account  
> for all the expenses and projections but overlooked a few things  
> including neglecting to include the honoraria for our peer review team.  
> Hence, the figures we're now sending are different than what I sent in  
> December.  
>  
> Lastly, we originally discussed a no-cost extension through February,  
> but since we don't yet have the EAC comments on our draft Provisional  
> Voting material nor an estimate of when they are likely to be ready, I  
> think it is prudent to extend the no-cost extension through March 31<sup>st</sup>  
> . We would still like to conclude by the end of February, but if you can  
> approve the extension for another month we could avoid going through  
> this process again if everything is not complete six weeks from now.  
>  
> It is my understanding that Rutgers will soon be sending our December  
> invoice. At this time, I would also like to request that we combine  
> January and February an invoice the EAC once for that time period.  
>  
> As you can see, we are currently projecting an ending balance of  
> approximately \$10,000. If additional expenses are incurred beyond what  
> is currently projected, we're confident they will not exceed the  
> original budget of \$560,002.  
>  
> Thanks and I look forward to hearing from you.  
>  
> --  
> -- John Weingart, Associate Director  
> Eagleton Institute of Politics  
> (732)932-9384, x.290  
>  
>  
>  
>



"John Weingart"  
<john.weingart@rutgers.edu>

01/13/2006 01:22 PM

Please respond to  
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>

cc "Lucy Baruch" <baruch@rci.rutgers.edu>

bcc

Subject No Cost Extensions (with extensions)

History:

This message has been forwarded.

Karen - I am attaching a spreadsheet providing the information you have requested (Attachment 1), but I want to highlight a few points which may not be immediately self-evident.

First, the original budget (Attachment 2) we submitted to the EAC, dated March 22<sup>nd</sup>, did not itemize personnel expenses by each person. In addition, when we actually began work two months after submitting that budget, we decided to reallocate more time to people within Eagleton and hire fewer outside hourlies.

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As you can see, we are currently projecting an ending balance of approximately \$10,000. If additional expenses are incurred beyond what is currently projected, we're confident they will not exceed the original budget of \$560,002.

Thanks and I look forward to hearing from you.

--

-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732) 932-9384, x.290



Attachment 1-EAC Eagleton Institute budget for no-cost extension-1.xls Attachment 2-EAC Eagleton Institute Budget 3-22-05-1.xls

024640

**Eagleton Institute of Politics, Rutgers The State University of New Jersey**  
**US Election Assistance Commission Project Budget (original 3/22/05; revised 1/13/06 for no-cost extension)**

Description	Original Budget	Cumulative Expenses through Dec 2005 (actual and committed)	Post Jan 1 Projected Expenses	Projected Balance	Post Jan 1 Projected Hours	Post Jan 1 Hourly Rate
<b>Eagleton Faculty and Staff (salaried and hourly)</b>		<b>84,263.20</b>	<b>15,250.00</b>			
Ruth Mandel, Director and Professor		5,682.86	3,500.00		43	81.98
John Weingart, Associate Director		7,347.00	3,500.00		72	48.74
Ingrid Reed, Director of Eagleton NJ Project		19,500.00	2,500.00		63	40.00
Don Linky, Director of Electronic Democracy Project		8,100.00	1,750.00		47	37.50
Tim Vercellotti, Assistant Research Professor		9,384.00	2,500.00		64	38.96
April Rapp, Research Project Coordinator		12,844.55	0.00		0	
Lauren Vincelli, Project/Bus. Administrator		10,800.90	0.00		0	
Michele Brody, Administrative Assistant		0.00	500.00		23	21.97
Lisa Velasquez, Administrative Assistant		6,503.89	0.00		0	
Linda Phillips, Unit Computing Specialist		2,100.00	250.00		10	25.07
Joanne Pfeiffer, Secretary		2,000.00	750.00		38	19.77
<b>Rutgers Graduate Students (hourly)</b>		<b>15,531.60</b>	<b>3,500.00</b>			
Dave Andersen		6,060.00	1,500.00		125	12.00
Nadia Brown		906.00	0.00		0	
Jilliam Curtis		1,002.00	0.00		0	
Johanna Dobrich		1,635.60	1,000.00		83	12.00
Dave Harris		5,928.00	1,000.00		83	12.00
<b>Fringe (rates vary by employee type)</b>		<b>21,332.56</b>	<b>4,567.50</b>			
<b>Subtotal Personnel Expenses</b>	<b>110,695</b>	<b>121,127.36</b>	<b>23,317.50</b>	<b>(33,749.88)</b>		
<b>Honoraria</b>						
Honoraria for Peer Review Group	10,000	0.00	10,000.00	0.00		
<b>Public Hearings</b>	<b>81,120</b>	<b>948.74</b>	<b>0.00</b>	<b>80,171.26</b>		
Public Hearings	75,000	0.00	0.00			
Transportation	6,120	948.74	0.00			
<b>Briefings/Meetings</b>						
Train, ground, lodging, meals	5,200	1,302.82	1,750.00	2,147.18		
<b>General Operations</b>	<b>20,000</b>	<b>20,029.59</b>	<b>1,750.00</b>	<b>(1,779.59)</b>		
Office supplies, software, telephone, copying, postage	10,000	9,003.11	1,750.00			
Desktop computers, laptop, printer	10,000	11,026.48	0.00			
<b>Subcontracts</b>						
Project Director-Tom O'Neill	79,500	81,750.00	18,000.00	(20,250.00)	192	93.75
Ohio State University (OSU)-Legal Analysis*	84,744	84,222.35	23,692.66	(23,171.01)		
OSU Personnel (with fringe)	50,735	55,724.22	14,001.15			
Ned Foley, Professor		30,514.24	8,687.03		72	120.65
Dan Tokaji, Professor		3,313.65	1,408.82		16	88.05
Laura Williams, Project Coordinator		7,846.00	2,320.00		80	29.00
Sara Sampson, Research Coordinator		5,229.14	705.30		20	35.27
Research Assistants		8,821.19	880.00		100	8.80
OSU Travel	5,950	611.80	1,846.78			
OSU Overhead	28,059	27,886.33	7,844.73			
<b>Subtotal Non-Personnel Expenses</b>	<b>280,564</b>	<b>188,253.50</b>	<b>55,192.66</b>	<b>37,117.84</b>		
<b>Subtotal Direct Costs</b>	<b>391,259</b>	<b>309,380.86</b>	<b>78,510.16</b>	<b>3,367.98</b>		
Fac&Admin (overhead) on Modified Total Direct Cost	153,743	117,790.20	19,881.45	16,071.68		
<b>TOTAL Project Budget</b>	<b>545,002</b>	<b>427,171.06</b>	<b>98,391.61</b>	<b>19,439.66</b>		
<b>Optional Surveys</b>						
State Election Officials	15,000	24,269.04	0.00	(9,269.04)		
<b>Total Project Budget with Optional Survey</b>	<b>560,002</b>	<b>451,440.10</b>	<b>98,391.61</b>	<b>10,170.62</b>		

\*Ohio State University figures are included in the "cumulative expenses through Dec 2005" even though Rutgers has not yet received the cumulative invoices.

**Eagleton Institute of Politics, Rutgers The State University of New Jersey**  
**US Election Assistance Commission Project Budget (3/22/05)**

Description	Budget	
<b>Personnel</b>		
Eagleton faculty/senior staff	35,000	Mandel, Weingart, Reed, Linky (various percentages)
Eagleton staff: logistics/administrative/clerical	15,000	(various percentages)
Fringe (32.5%)	16,250	
	<b>66,250</b>	
<b>Hourly Personnel</b>		
Research Coordinator	21,250	1250 hours at \$17 per hour
Logistics/Admin Coordinator	12,325	725 hours at \$17 per hour
Research assistants	7,200	300 hours at \$12 per hour for two researchers
Fringe on Hourly (9%)	3,670	
	<b>44,445</b>	
<b>Subtotal Personnel Expenses</b>	<b>\$110,695</b>	
<b>Honoraria</b>		
Honoraria for Peer Review Group	10,000	10 at \$1,000
<b>Public Hearings (3 in 3 cities)</b>		
Public Hearings	75,000	3 hearings at \$25K per EAC figures
2 Hearings in DC- train, ground, lodging, meals*	3,480	attended by 3 staff
1 Hearings in St. Louis- air, ground, lodging, meals**	2,640	attended by 3 staff
	<b>81,120</b>	
<b>Briefings/Meetings with EAC</b>		
Train, ground, lodging, meals***	5,200	5 briefings in DC, attended by 2 staff
<b>General Operations</b>		
Office supplies, software, telephone, copying, postage	10,000	
Desktop computers, laptop, printer	10,000	
	<b>20,000</b>	
<b>Subcontract</b>		
Project Director- O'Neill	79,500	80% time April – Aug., 60% Sept. – Oct.
Ohio State University- Legal Analysis	84,744	Partner institution, Moritz College of Law, OSU
<b>Subtotal Non Personnel Expenses</b>	<b>\$280,564</b>	
<b>Subtotal All Direct Cost</b>	<b>391,259</b>	
Modified Total Direct Cost \$277,015****		
F&A on Modified Total Direct Cost (55.5%)	153,743	Rutgers University federally approved rate.
<b>TOTAL Project Budget</b>	<b>\$545,002</b>	
<b>Optional Surveys</b>		
State Election Officials	15,000	Eagleton
Young Voters	25,000	Eagleton
Provisional Voting, 1st state	116,000	OSU Political Science
Provisional Voting, 1st additional state	75,000	OSU Political Science
Provisional Voting, 2nd additional state	60,000	OSU Political Science
<b>Total Optional Surveys (no F&amp;A)</b>	<b>\$291,000</b>	

- \* Travel and lodging to two hearings in DC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 per day for two days for meals= \$580 per person per trip for three people.
- \*\* Travel and lodging to one hearing in St. Louis includes \$500 airfare to St. Louis, 2 nights hotel/lodging at \$100, and \$60 per day for three days for meals= \$880 per person for three people.
- \*\*\* Travel and lodging to five Briefings/Meetings with EAC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 for meals= \$520 per person per trip for two people.
- \*\*\*\* Modified total direct cost is equivalent to total direct cost except for two items - F&A included only on first \$25K of subcontract with Project Director (\$79,500) and first \$25K of subcontract with OSU (\$84,744).

024642



Nicole  
Mortellito/CONTRACTOR/EAC  
/GOV

01/05/2006 04:15 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc

bcc

Subject Emailing: 12-8-05Eagleton Memo

History:

 This message has been forwarded.

Here is the updated Eagleton Memo.

Your files are attached and ready to send with this message.

Regards,

Nicole K. Mortellito  
Special Projects  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.2209 phone  
202.566.3128 fax



- 12-8-05Eagleton Memo.doc

024643



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

December 9, 2005

## MEMORANDUM FOR THE RECORD

On May 24, 2005 the U.S. Election Assistance Commission awarded an eight month contract (December 30, 2005) in the amount of \$560,002.00 to the Eagleton Institute of Politics (Rutgers, The State University of New Jersey) to provide research assistance to support development of guidelines on the topics of provisional voting and voter identification procedures.

On November 15, 2005, John Weingart, Associate Director of the Eagleton Institute of Politics, requested via e-mail, a no-cost extension on this contract (E4014127). Mr. Weingart has requested an extension to complete the work of this contract to February 28, 2006.

In subsequent correspondence, Mr. Weingart notes the following as the reason for the request:

“The original work schedule called for EAC to publish in mid-October, voluntary guidance and/or recommended best practices for provisional voting, based on Eagleton’s research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication.... The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report of that topic will be submitted to the EAC in mid-January”.

He further notes:

“If EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work...“The total project budget is \$560,002. As of October 31<sup>st</sup>, the EAC has been invoiced for \$259,081.79; the balance remaining is \$300,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project”.

024644

Karen Lynn-Dyson, the EAC's Contracting Officer Representative assigned to this contract has reviewed this request, the rationale and authority for it (FAR 43.103(a)(3)) and finds it to be appropriate. To-date the Eagleton Institute has consistently met its deadlines for major project deliverables and stayed within the project budget. To grant the Eagleton Institute a two month extension on this contract in order to obtain the necessary feedback on major documents it has produced will be within the best interests of the Election Assistance Commission, and thus, the federal government.

EAC's Contracting Officer Representative finds that to grant the Eagleton Institute a no-cost extension for the modification of its contract with the EAC is within the scope of the original agreement and is recommending that this modification to the contract be made.

Signed

Karen Lynn-Dyson  
Contracting Officer Representative  
U.S. Election Assistance Commission

Gracia M. Hillman  
Chair  
U.S. Election Assistance Commission



Nicole  
Mortellito/CONTRACTOR/EAC  
/GOV

01/05/2006 01:58 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc

bcc

Subject No cost extension memo

Karen here is the language from the no-cost extension memorandum. It will just need to be put on letterhead which I'm happy to do once you've worked your magic. I will bring by a copy of the amendment of solicitation of contract form 30 in a moment.

Gavin S. Gilmour/EAC/GOV

Karen Lynn-Dyson/EAC/GOV



Eagleton no-cost extension.doc Karen Lynn-Dyson

Regards,

Nicole K. Mortellito  
Special Projects  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.2209 phone  
202.566.3128 fax

024646



"Johanna Dobrich"  
<jdobrich@eden.rutgers.edu>  
12/13/2005 12:29 PM

To klynndyson@eac.gov  
cc "tim.vercellotti@rutgers.edu" <tim.vercellotti@rutgers.edu>,  
davander@eden.rutgers.edu, dlinky@rci.rutgers.edu,  
ireed@rutgers.edu, joharris@eden.rutgers.edu,  
bcc

Subject November's Progress Report

History:

 This message has been forwarded.

Dear Ms. Karen Lynn-Dyson:

Attached please find the Eagleton/Moritz Progress Report for the month of November.

Please direct any questions about this report to Tom O'Neill  
().

Sincerely,

Johanna Dobrich

--

Johanna Dobrich  
jdobrich@eden.rutgers.edu



ProgressReport\_NOVEMBER 2005\_Eagleton Institute of Politics.doc

024647



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EAGLETON INSTITUTE OF POLITICS

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

**MONTHLY PROGRESS REPORT**  
**November 2005**

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

December 15, 2005

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

024848

## OUTLINE

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

## INTRODUCTION

This report describes our progress from November 1 through November 30, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

In November we completed and submitted our Provisional Voting analysis paper, including recommendations to the EAC for best practices. These policy prescriptions are based on our research and the comments of the Peer Review Group on that research. We completed a careful review of our data to reconcile it with other sources and identify the latest, most reliable information to use in the analysis. The importance of this demanding effort was described in October's Progress Report. We continue to await the EAC's comments on that final draft.

Also in November we revised the schedule for the project in light of the additional time that has been needed for review of earlier drafts by the EAC and the late completion of the Election Day Study. We made a written request to the EAC for a no-cost extension of the contract through the end of February which we understand is likely to be approved before Christmas.

Since the submission of our Provisional Voting report to the EAC on November 28, 2005, our efforts have been entirely aimed at the completion of the voter identification research. We have been advised that EAC will take several weeks to review and react to our final draft on provisional voting. As we await a January meeting on that topic, we are moving ahead

quickly on the statistical analysis of voter identification data and summarizing the legal research that was completed earlier.

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

Please direct questions or comments about this report to [REDACTED]  
[REDACTED]

#### PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Task 3.4 was completed in August, and Tasks 3.5 and 3.6 were completed in November.

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

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

## VOTER IDENTIFICATION REQUIREMENTS

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

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

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

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

**Progress:** The 50 state (plus District of Columbia) chart has been completed, the voter identification statutes have been collected for all states and D.C., and summaries of the existing voter identification statutes have been written for all states and D.C. Moritz has completed its review of voter identification litigation. Moritz and Eagleton have worked together to review the research, clarify the categorization of that research on our charts, and reconcile the data developed in our two different research techniques categorizations.

**Challenges:** The biggest challenge facing the reconciliation process of research findings, descriptions and categorizations is that it is being done by two different teams (Moritz and Eagleton) who rely on different primary source materials. Despite the necessity this has created to reconcile conflicting data from time to time, the collaboration has also been very beneficial because it has made our research efforts more rigorous.

**Work Plan:** During December we will conclude our reconciliation and continue analysis of voter identification research, including an analysis of the most important issues and trends in voter identification litigation.

### SUPPLEMENTS TO LEGAL ANALYSIS

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

During the month of November, we developed narratives to establish how laws were passed, looking at when they were proposed and when they were eventually enacted. In the upcoming month, Eagleton will examine voter registration forms across the states to see what forms of identification are requested from mail-in registrants. The difficulty will be determining the 2004 status of the states.

### VOTER ID AND TURNOUT ANALYSIS

Now under way is a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

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

**Progress:** Analysis is under way for two data sets: County-level data that includes registration and turnout rates for 2000 and 2004, as well as Census measures and indicators of the type of voter identification requirements that were in existence at the time of the 2004 presidential election. The second data set consists of the voter supplement to the November 2004 Current Population Survey. This data set allows for testing of the same hypotheses at the individual level. Preliminary findings from the aggregate data set suggest that voter ID requirements have their greatest effect at the registration stage, as opposed to the turnout stage. This is a first cut at the data, however, and we will be adding a number of control variables to the analysis to see if the relationship holds.

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

**Work Plan:** The statistical analyses will continue during the month of December, and a draft of the findings is anticipated by the end of the month.

### **PROJECT MANAGEMENT**

#### PEER REVIEW GROUP

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

**Progress:** During the month of November, Eagleton contacted the PRG Members on two occasions. First, all members received the final draft provisional voting report that was submitted to the EAC. Further comments are welcome but not expected from the PRG. Second, we have asked PRG members to reserve two dates in mid-January for potential conference call sessions to review the voter identification report.

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

## COORDINATION AND INFORMATION MANAGEMENT

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

### INFORMATION SYSTEM

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

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

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

### INTRANET

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

## FINANCIAL REPORT

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

A detail of expenses incurred from project November 1- November 30, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer at the EAC.



"John Weingart"  
<john.weingart@rutgers.edu>

11/15/2005 04:17 PM

Please respond to  
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc

bcc

Subject Re: Provisional Voting Report Status and Request for Advice

Thanks. if you can answer the administrative questions more quickly,  
that would be great.

-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>  
> John-  
>  
> Many thanks for getting this draft document to us.  
>  
> Over the next day or so I will spend time with key EAC staff reviewing  
> the document and considering your questions. As you may recall,  
> Commissioner Martinez has taken a prominent role in the review of your  
> initial work and I am certain he will continue to do so. Sadly, the  
> Commissioner lost his mother two weeks ago and, consequently, will not  
> return to the office until next week.  
>  
> It is likely that EAC staff will not be able to give you a definitive  
> answer on some of your questions until the Monday after Thanksgiving.  
> I will, however, try to answer some of the administrative questions  
> before that time.  
>  
> Regards-  
>  
>  
> Karen Lynn-Dyson  
> Research Manager  
> U.S. Election Assistance Commission  
> 1225 New York Avenue , NW Suite 1100  
> Washington, DC 20005  
> tel:202-566-3123  
>  
>  
>  
> \*"John Weingart" <john.weingart@rutgers.edu>\*  
>  
> 11/15/2005 10:53 AM  
> Please respond to  
> john.weingart@rutgers.edu  
>  
>  
>  
> To  
> "Karen Lynn-Dyson" <klynndyson@eac.gov>, "Ruth Mandel"  
> <rmandel@rci.rutgers.edu>

024655

> cc

> Subject

Provisional Voting Report Status and Request for Advice

> Karen - We would like to talk with you about the process and schedule  
> for completing our work in a way that is most useful to the EAC. I am  
> attaching a draft timeline for the completion of this work and listing  
> below five specific questions we need to resolve as quickly as possible.  
> I would appreciate it if you would call me to discuss how best to  
> address these matters - whether by telephone or by coming to meet in  
> Washington.

> We are planning to submit our report on Provisional Voting to the EAC by  
> November 18<sup>th</sup>. Although it is not required in our contract, we will at  
> the same time give copies to the members of the Peer Review Group  
> offering them the opportunity to send us any additional corrections or  
> other comments.

> We are considering making all our recommendations for both Provisional  
> Voting and Voter ID in the form of Best Practices. Some of them might  
> well lend themselves to Guidance, but our discussion of the earlier  
> draft with the EAC left us with the clear impression that on this topic  
> the preference was for recommendations for Best Practices rather than a  
> Guidance document. The calendar also argues for the Best Practices route  
> to enable the EAC to give states advice they can use in 2006. (The  
> attached draft timeline would need to be revised if the EAC prefers to  
> propose some of the recommendations as Guidance.)

> QUESTIONS:

- > 1. Does the EAC agree with the approach described above to make all  
> recommendations in the form of Best Practices rather than Guidance?
- > 2. How long will it take the EAC to review and return comments on our  
> draft Provisional Voting document? Is our attached revised schedule  
> realistic in anticipating EAC comments no later than the week of  
> December 12<sup>th</sup> on the report we send you at the end of this week?
- > 3. After we revise our report on Provisional Voting to reflect any  
> comments we receive from the EAC, and follow a similar process for our  
> report on Voter Identification, what further steps would the Commission  
> like us to take? Would you want us to conduct a review with your Board  
> of Advisors and/or hold public hearings even though these steps are, we  
> understand, required only for a Guidance Document? A review by the Board  
> of Advisors would offer the opportunity to solicit suggestions for Best  
> Practices from its members, thus strengthening the document and building  
> a constituency for their adoption. (The attached draft timeline does not  
> include such additional reviews.)
- > 4. In any case, we will need a no-cost extension to the contract to  
> carry us past December 31<sup>st</sup>. How do we make that request?
- > 5. Assuming that we conduct fewer public hearings than we had

024656

> anticipated, can we reallocate funds we had budgeted for that purpose to  
> cover the higher than anticipated personnel and consultant costs we will  
> be incurring after the first of the year?

>  
> We look forward to discussing these matters with you.

>  
> Thanks, John

>  
> --  
> -- John Weingart, Associate Director  
> Eagleton Institute of Politics  
> (732) 932-9384, x.290

>  
>  
>



"John Weingart"  
<john.weingart@rutgers.edu>

11/15/2005 10:53 AM

Please respond to  
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>, "Ruth Mandel"  
<rmandel@rci.rutgers.edu>

cc "Tom O'Neil" <[REDACTED]>

bcc

Subject Provisional Voting Report Status and Request for Advice

History:

✉ This message has been replied to and forwarded.

Karen - We would like to talk with you about the process and schedule for completing our work in a way that is most useful to the EAC. I am attaching a draft timeline for the completion of this work and listing below five specific questions we need to resolve as quickly as possible. I would appreciate it if you would call me to discuss how best to address these matters - whether by telephone or by coming to meet in Washington.

We are planning to submit our report on Provisional Voting to the EAC by November 18<sup>th</sup>. Although it is not required in our contract, we will at the same time give copies to the members of the Peer Review Group offering them the opportunity to send us any additional corrections or other comments.

We are considering making all our recommendations for both Provisional Voting and Voter ID in the form of Best Practices. Some of them might well lend themselves to Guidance, but our discussion of the earlier draft with the EAC left us with the clear impression that on this topic the preference was for recommendations for Best Practices rather than a Guidance document. The calendar also argues for the Best Practices route to enable the EAC to give states advice they can use in 2006. (The attached draft timeline would need to be revised if the EAC prefers to propose some of the recommendations as Guidance.)

QUESTIONS:

1. Does the EAC agree with the approach described above to make all recommendations in the form of Best Practices rather than Guidance?
2. How long will it take the EAC to review and return comments on our draft Provisional Voting document? Is our attached revised schedule realistic in anticipating EAC comments no later than the week of December 12<sup>th</sup> on the report we send you at the end of this week?
3. After we revise our report on Provisional Voting to reflect any comments we receive from the EAC, and follow a similar process for our report on Voter Identification, what further steps would the Commission like us to take? Would you want us to conduct a review with your Board of Advisors and/or hold public hearings even though these steps are, we understand, required only for a Guidance Document? A review by the Board of Advisors would offer the opportunity to solicit suggestions for Best Practices from its members, thus strengthening the document and building a constituency for their adoption. (The attached draft timeline does not include such additional reviews.)
4. In any case, we will need a no-cost extension to the contract to carry us past December 31<sup>st</sup>. How do we make that request?
5. Assuming that we conduct fewer public hearings than we had anticipated, can we reallocate funds we had budgeted for that purpose to cover the higher than anticipated personnel and consultant costs we will

024658

be incurring after the first of the year?

We look forward to discussing these matters with you.

Thanks, John

--

-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732) 932-9384, x.290



KeyDatesRev1110.doc

024659



"Tom O'neill"

11/14/2005 05:25 PM

To klynndyson@eac.gov

cc Vincelli@rutgers.edu, arapp@rci.rutgers.edu,  
davander@eden.rutgers.edu, dlinky@rci.rutgers.edu,  
ireed@rutgers.edu, joharris@eden.rutgers.edu,

bcc

Subject October Progress Report

Karen,

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

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

Tom O'Neill

024560



jdobrich@eden.rutgers.edu  
10/17/2005 03:14 PM

To klynndyson@eac.gov  
cc  
bcc

Subject Eagleton's September Progress Report

History:  This message has been forwarded.

Dear Ms. Karen Lynn Dyson:

My name is Johanna Dobrich and I have taken over the responsibility of sending the Eagleton Institute of Politics Monthly Progress Reports to you, in place of Lauren Vincelli.

Attached in this email you will find the Eagleton Institute of Politics monthly Progress Report for September 2005. Also attached, is a document called "PRG Summary Comments" which is an attachment to September's Progress Report.

Please email me at jdobrich@eden.rutgers.edu to confirm that you have received this email. If you prefer I send a hard copy of these documents, in addition to the electronic version, please let me know.

Sincerely,

Johanna Dobrich



ProgressReport\_SEPTEMBER2005\_EagletonInstitute.doc PRG Summary Comments 10.17.05.doc

024551



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EAGLETON INSTITUTE OF POLITICS

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

**MONTHLY PROGRESS REPORT**  
**September 2005**

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

September 14, 2005

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

024662

## OUTLINE

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

## INTRODUCTION

This report describes our progress from September 1 through September 30, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

We focused in September on refining our Provisional Voting research. This refinement was necessary to prepare a strong final analysis paper and develop alternative approaches to Provisional Voting based on the analysis. An important part of this refinement involved reconciling sometimes conflicting data on Provisional Voting from different sources, including the Election Day Study, which finally became available in September. With a clearer understanding of our data, we began the critical work of selecting alternatives to recommend to the EAC as guidance or best practices responsive to both our research and the needs of the Commission.

Three meetings this month helped us accomplish the necessary refinement. We briefed the EAC on our work on September 6, held the first meeting of the Peer Review Group (PRG) on September 21, and gained the benefit of the EAC's reaction to the September 6 briefing in a conference call on September 30.

The completion of our work on Provisional Voting has been delayed by the time needed to absorb and incorporate the findings of the EAC Election Day Study, to recruit and receive the comments of the PRG, and to receive the Commission's comments on the September 6 briefing. The schedule called for the release of the Election Day Study last spring, the submission of the Preliminary Guidance Document to the EAC's advisory boards in mid-September, and a public hearing on the Guidance Document in late October. We now plan to submit to the EAC a final draft of our report, a preliminary guidance document, and draft

best practices before the end of October. And we understand that after review of those materials, the EAC will decide whether to issue a guidance document or recommend best practices. Projecting a late November date for those decisions seems reasonable. If the EAC does decide to issue a Guidance Document on Provisional Voting, the time needed for a review by the advisory boards is likely to delay a public hearing until January.

While we have made a good start on the Voter ID sections of our research, most time and resources this month were dedicated to resolving issues involved in Provisional Voting.

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

Please direct questions or comments about this report to Tom O'Neill at:

[REDACTED]

## **PROVISIONAL VOTING**

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

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

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

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

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

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

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

**Work Plan:** The analysis of the information, data, and survey results concerning Provisional Voting was completed in September, on schedule. We are now revising it in response to comments by the Peer Review Group (PRG). We are also revising the alternatives document to reflect the critique of the PRG and the guidance from the EAC in response to the September 6 briefing.

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

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

understanding of actual practice in administering Provisional Voting, including the steps local officials took to prepare for the election.

### PROVISIONAL VOTING NARRATIVES

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

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

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

**Work Plan:** We completed revisions of the narratives incorporating comments from the PRG.

### PROVISIONAL VOTING STATISTICAL ANALYSIS

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

**Progress:** In response to comments from the PRG, we have clarified and sharpened the presentation on the methods used and results achieved in the statistical analysis. We have double checked the classification of variables upon which the study is based and reconciled differences in various areas of the overall study. This effort is nearing completion.

**Challenges:** The difficulties encountered have been a result of communication delays and time constraints. Overall, these are not problems or hindrances, but simply slow down the process.

**Work Plan:** In mid-October we aim to complete a final revision of the statistical analysis and a full reconciliation of all data within the study.

### SURVEY OF COUNTY ELECTION OFFICIALS

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

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

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

### Peer Review Group

Most members of the PRG met by telephone conference on September 21 to comment on all the research described above. Participating in the meeting were Michael Alvarez, Martha Kropf, Dan Lowenstein, Peter Verniero, Brad Smith, and Tim Storey. Timothy O'Rourke contributed his comments separately. The group provided a detailed critique of our approach, methods, and conclusions, and we are now revising each document in response to the comments and suggestions. It praised the quality of the work and the rigor of much of the analysis. A summary of the suggestions from the members of the PRG is attached to this report.

### Challenges and Work Plan

Making arrangements for review of drafts by the PRG and by the EAC has taken longer than anticipated by the Work Plan. The schedule called for all research and analysis to have been completed and incorporated into a Draft Preliminary Guidance Document by mid September. The review process by the EAC and PRG took longer than contemplated by the Work Plan. And we now understand that the EAC will make a separate decision --that will require additional time-- whether to issue a Guidance Document or recommendations for best practices. It has not, therefore, been possible to schedule a public hearing or arrange for review of our work by the EAC's advisory boards, as called for in the Work Plan. We now aim to complete our reports and recommendations for guidance by the end of October, and to then await a response from the EAC before scheduling submission to the advisory boards or making arrangements for a hearing.

## VOTER IDENTIFICATION REQUIREMENTS

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

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

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

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

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

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

**Work Plan:** Analysis of voter identification data will begin now.

### SUPPLEMENTS TO LEGAL ANALYSIS

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

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern with increasing the rigor of voter ID requirements. We understand that the EAC has issued a

research contract that will focus on vote fraud and vote suppression. Our research in this area will be limited to developing an understanding of the tradeoffs between ballot security and access to the ballot. We have completed the basic database on voter identification issues has been completed, and the next key step will be drafting the first narratives.

### VOTER ID AND TURNOUT ANALYSIS

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

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

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

**Challenges:** The analysis of these data has been postponed until the data reconciliation of Provisional Voting is complete. The main challenge now is an issue of time management. As a result of the extensive revision and data reconciliation efforts aimed at the Provisional Voting section of our work VID has been temporarily placed on hold.

**Work Plan:** The analysis of the impact that voter identification requirements have upon voter turnout should be completed by early November.

## **PROJECT MANAGEMENT**

### **PEER REVIEW GROUP**

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

**Progress:** The research team held its first conference call with PRG members on September 19, 2005. The research team will hold a workshop meeting on October 19, 2005 to address the PRG's comments.

**Challenges:** To date we still have not heard back from two PRG Members.

**Projections:** Revisions and clarifications to our reports on Provisional Voting will be resolved by the end of October. We will need to schedule a second conference call to review our research with regard to Voter Identification Requirements in late November. As noted earlier, a summary of the comments we have received from the PRG is attached to this report.

### **COORDINATION AND INFORMATION MANAGEMENT**

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

#### **INFORMATION SYSTEM**

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

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

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

#### **INTRANET**

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

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

## FINANCIAL REPORT

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

A detail of expenses incurred from project September 1- September 30, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer at the EAC.

*Peer Review Group  
Summary of Comments  
To the Eagleton/Moritz Group  
Under Contract to Provide Research Assistance to the EAC*

*October 15, 2005*

The Peer Review Group (PRG) met by telephone conference on September 21. Those participating included: Michael Alvarez, John C. Harrison, Martha Kropf, Dan Lowenstein, Peter Verniero, Brad Smith, and Tim Storey. This summary also includes additional written remarks submitted by Martha Kropf and additional remarks from a follow-up phone call with Timothy O'Rourke. We are now addressing all the comments including, in some cases, returning to members of the group to seek further elaboration or clarification.

We encouraged the members of the PRG to comment about any aspect of the project. We furnished them with these materials before the meeting.

1. Survey of local (mainly county) officials conducted in June 2005.
2. State-by-state narrative of developments in provisional voting
3. Statistical Analysis of state provisional voting
4. Memorandum on Provisional Voting Litigation
5. Memorandum on Provisional Ballot Litigation by State
6. July Memorandum on Provisional Ballot Litigation by Issue

We suggested that PRG members rank our draft responses to each of the six key questions posed by the EAC along these lines:

- 1- Research supports conclusions well.
- 2- Research supports some conclusions. Specific questions are:
- 3- Research does not support conclusions. Major problems are:

On the Alternatives paper, we asked PRG members to list up to three items they found questionable in light of the research and their own knowledge of provisional voting and election administration and to give us their thoughts on alternative policies that we had no included.

General Suggestions

1. Make transparently clear the meaning of 'old' versus 'new' states. It is not enough to categorize the states as such, we need to determine why specific states were considered 'old' or 'new' (i.e. clarify what conditions were met by old states).

2. Be **clear** in our report about the **data that we were unable to obtain** and perhaps speculate on why that data was not available. (For example, do we have the documentation the state election boards gave the localities regarding counting practices? If not, why not? Indicate the states for which it was difficult to obtain data.

3. Prescribe less and **describe more** (tell what voters/administrators have done, not what they should have done or ought to do).

4. Questioned our assumption about public trust – How do we know that decreases in disputes/challenges signify an increase in public trust? We need to explain this assertion.

#### Specific Review by Area of Analysis/Document

##### **Response to Statistical Review:**

- Challenged our emphasis on the number of provisional ballots counted as a percentage of those cast as an indication of success of Provisional Voting. Suggested alternative relationships to consider (PB v. Turnout, PB v. Registered Voters, and PB v. Voting age Population).
- Wanted the inclusion of variation within states among counties (and geographical considerations).
- The report needs to address the quality and validity of the data used in the analysis.
- On Page 8, cautioned using the estimate of 280,000 disenfranchised voters who would have voted if outside precinct voting was permitted.

##### **Response to Question Four:**

- Remove the comments in the footnote (p. 1) that offers an alternative way of analyzing the question relating to the possible increase in voter participation as a result of provisional voting because the margin of error in the Census survey does not support a conclusion at this level of significance.
- Address the alternative explanation for why old states may enfranchise more voters than new states (i.e. Kropf 's Failsafe option).
- Include a statistical summary of the relationship between the length of time a state has had PV and the rate at which votes are counted.

##### **Response to Question Five:**

- Is it possible to draw any conclusions about the local differences within and among states broken down by county (presumably 20 states worth)?

- Clarify what is meant by “design” and say how many states have/had provisional ballots that are designed differently and look different. Why is design important?
- Page 17 indicates that states with statewide voter databases end up validating fewer PVs. This is important & should be addressed in more detail.

#### **Response to Question Six:**

- On the usefulness of instructions, 98% said the instructions were useful. Make it clear that this represents 98% of the officials who got instruction.
- Is the passive voice the best means to communicate this information (for ex. "Second, objectively how well did the process appear to be managed?")

#### **Response to State Narratives:**

- When in doubt about whether we have data to support a sentence it is important to be careful about the language we use (say ‘doing XYZ would have revealed’ as opposed to ‘most of what we know about XYZ revealed’ ...)
- Clarify for the readers what is meant by "provisional vote/total vote". Does that mean provisional votes cast? Counted? Make it clear right at the beginning of every document?
- Footnote states that do not list poll sites or tell people where to vote with the fact that many cities/counties do have a poll finder.

#### **Election Official Survey**

- Clarify how we determined who to include in the sample and how we developed the questions in the survey (was a focus group an initial step?) Why were 3,800 election officials deemed eligible to participate (out of how many? 5,000 or so?)
- Clarify old and new states on pg. 2 in National Survey. Comment on how to assess fraud in provisional voting? What is the relationship between PV and turnout?
- Explore more issues about citizenship (18% non-citizen voting in CA)?
- Appendix A says survey was random, but it’s not. How was the data weighted for small, medium and large counties, and for other issues? Clarify this in the report.

- Why doesn't the total of new and old states equal 50 (25 and 18) and why does the National Survey of Election Officials have different numbers? Is FL an 'old' state?
- Are the New England states underrepresented in the survey? If so, why?
- Report should offer more information about the response rate.

#### **. Alternatives Document**

- The importance of clarity in state processes for both administrators and voters needs to be better articulated.  
(Better training of poll workers, clarity whether failure to check boxes disqualifies voters, access to better info. at polling locations)
- Cautions the use of definitive statements (such as A-3, perhaps say "This raises the question of...").
- Have other EAC Guidelines been tested in court yet?
- On page 3: the 'tracking number' in # 6 is not feasible. Also, "the information" in # 12 should be changed to "the website and 800 numbers" for clarification.
- Page 6, there were disagreements about # 1 and # 2 of options in Sec. F regarding the installation of a separate body to rule on PV for the integrity process; a motion was made to get rid of them.
- Page 6, Sec. E option # 1 should be eliminated or clarified
- Add to Sec. F a '# 5' requiring states to provide detailed public info. on PV



"John Weingart"  
<john.weingart@rutgers.edu>

09/27/2005 03:56 PM

Please respond to  
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc Vincelli@rutgers.edu, jthompson@eac.gov,  
aambrogi@eac.gov, rmartinez@eac.gov, twilkey@eac.gov,  
arapp@rutgers.edu, davander@eden.rutgers.edu,

bcc

Subject Re: EAC Conference Call - Friday 9/30

History:

☞ This message has been replied to.

Karen - Let's do it on Friday at 1:30. From my initial polling, at least Tom O'Neill, Ingrid Reed and I will be available. Since we will not all be at the same location, would you like us to initiate a conference call from here and give you a number to call in to?

-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>  
> Eagleton/Moritz team-  
>  
> I'd leek to propose a conference call with EAC Commissioner Martinez,  
> General Counsel ,Julie Thompson, Research Manager Karen Lynn-Dyson and  
> your team for either \*10:30 or 1:30 on Friday, September 30\*.  
>  
> This will be to discuss the draft guidance and final report you will  
> be producing for the EAC.  
>  
> Please let me know which time works for you  
>  
> Regards  
> Karen Lynn-Dyson  
> Research Manager  
> U.S. Election Assistance Commission  
> 1225 New York Avenue , NW Suite 1100  
> Washington, DC 20005  
> tel:202-566-3123

024678

Juliet E. Thompson/EAC/GOV  
09/27/2005 02:31 PM

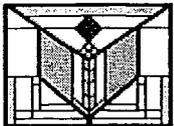
To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc

Subject When are we talking to Eagleton?

I am having Gaylin set some other things for me this week. So, I would like to nail down the time with Eagleton.

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

024677



Adam Ambrogi/EAC/GOV

09/21/2005 05:31 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc

bcc

Subject Re: Fw: Monday Meeting??

Ray's available.

-----  
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

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

09/21/2005 04:26 PM

To Amie J. Sherrill/EAC/GOV@EAC, Adam  
Ambrogi/EAC/GOV@EAC  
Donetta L. Davidson/EAC/GOV@EAC, Paul  
DeGregorio/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC, Thomas R.  
cc Wilkey/EAC/GOV@EAC, Nicole  
Mortellito/CONTRACTOR/EAC/GOV@EAC, Sheila A.  
Banks/EAC/GOV@EAC

Subject Fw: Monday Meeting??

Special Assistants-

The Chair is asking whether or not you have cleared the date and time on you Commissioner's calendars for this Monday afternoon discussion ( 3:30-5:00)

Please advise.

Thanks

K

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 09/20/2005 04:22 PM -----

Gracia Hillman/EAC/GOV

09/21/2005 04:11 PM

To klynn-dyson@eac.gov, sbanks@eac.gov

cc

Subject Monday Meeting??

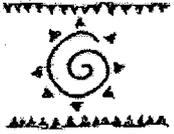


024676



Does it look like the commissioners will all be available to meet on Monday afternoon to discuss Eagleton?

024579



Sheila A. Banks/EAC/GOV  
09/21/2005 05:12 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc  
Subject Re: Fw: Monday Meeting?? 

History:  This message has been replied to.

The Chair is available. Sorry, Karen.



Nicole  
Mortellito/CONTRACTOR/EAC  
/GOV  
09/21/2005 04:31 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc  
Subject Re: Fw: Monday Meeting??

Tom is available.

Regards,

Nicole K. Mortellito  
Assistant to the Executive Director - Thomas R. Wilkey  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.3114 phone  
202.566.3127 fax  
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

09/21/2005 04:26 PM

To Amie J. Sherrill/EAC/GOV@EAC, Adam  
Ambrogi/EAC/GOV@EAC  
cc Donetta L. Davidson/EAC/GOV@EAC, Paul  
DeGregorio/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC, Thomas R.  
Wilkey/EAC/GOV@EAC, Nicole  
Mortellito/CONTRACTOR/EAC/GOV@EAC, Sheila A.  
Banks/EAC/GOV@EAC  
Subject Fw: Monday Meeting??

Special Assistants-

The Chair is asking whether or not you have cleared the date and time on you Commissioner's calendars for this Monday afternoon discussion ( 3:30-5:00)

Please advise.

Thanks

K

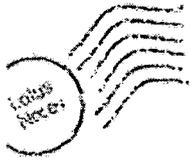
Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 09/20/2005 04:22 PM -----



Gracia Hillman/EAC/GOV

024681

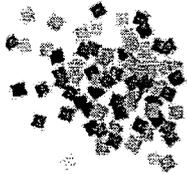


09/21/2005 04:11 PM

To klynn-dyson@eac.gov, sbanks@eac.gov  
cc  
Subject Monday Meeting??

Does it look like the commissioners will all be available to meet on Monday afternoon to discuss Eagleton?

024532



Amie J. Sherrill/EAC/GOV  
09/21/2005 04:29 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc  
Subject Re: Fw: Monday Meeting??

The notice i received from Sheila had 1:30 - 3:30 pm. Has this changed??

Amie J. Sherrill  
Special Assistant to Vice Chairman Paul S. DeGregorio  
U.S. Election Assistance Commission  
1225 New York NW - Suite 1100  
Washington, DC 20005  
(202) 566 3106  
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

09/21/2005 04:26 PM

To Amie J. Sherrill/EAC/GOV@EAC, Adam  
Ambrogi/EAC/GOV@EAC  
cc Donetta L. Davidson/EAC/GOV@EAC, Paul  
DeGregorio/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC, Thomas R.  
Wilkey/EAC/GOV@EAC, Nicole  
Mortellito/CONTRACTOR/EAC/GOV@EAC, Sheila A.  
Banks/EAC/GOV@EAC  
Subject Fw: Monday Meeting??

Special Assistants-

The Chair is asking whether or not you have cleared the date and time on you Commissioner's calendars for this Monday afternoon discussion ( 3:30-5:00)

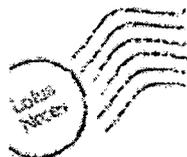
Please advise.

Thanks

K

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 09/20/2005 04:22 PM -----



Gracia Hillman/EAC/GOV  
09/21/2005 04:11 PM

To klynn-dyson@eac.gov, sbanks@eac.gov  
cc  
Subject Monday Meeting??

024683



Does it look like the commissioners will all be available to meet on Monday afternoon to discuss Eagleton?



Gracia Hillman/EAC/GOV  
09/21/2005 04:11 PM

To klynn-dyson@eac.gov, sbanks@eac.gov

cc

bcc

Subject Monday Meeting??

History:

↳ This message has been forwarded.

Does it look like the commissioners will all be available to meet on Monday afternoon to discuss Eagleton?

024695

Donetta L.  
Davidson/EAC/GOV  
09/20/2005 04:34 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc  
Subject Re: Confirming Commissioner availability for Monday, 9/26  
discussion of Eagleton provisional draft guidance 

I'll be there. dd

024686



"Tom O'Neill"  
[REDACTED]

09/15/2005 11:29 PM

To klynndyson@eac.gov

cc

bcc

Subject EAC comments on Alternatives Outline

Karen,

Sorry I missed your calls today. Your message was good news. We will look forward to learning from you the Commissioners' reactions to the Alternatives Outline next Friday. In the meantime, we continue to flesh out the analysis, sharpen the alternatives, and move the research on Voter ID to the stage of drafting the of our analysis of those issues. And, of course, our work will finally benefit from the critique of the Peer Review Group at its first teleconference next week.

Tom O'Neill

024687



"Lauren Vincelli"  
<Vincelli@rutgers.edu>

08/15/2005 03:01 PM

Please respond to  
Vincelli@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill" [redacted]  
rmandel@rci.rutgers.edu, john.weingart@rutgers.edu

bcc

Subject Eagleton Institute of Politics - July 2005 - Monthly Progress Report

History: This message has been forwarded

Ms. Dyson,

Attached please find the July 2005 Progress Report for the project entitled, "Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures." If you have any questions regarding any part of this document please contact Tom O'Neill at: [redacted]

The financial reporting for this project is performed by the Division of Grant and Contract Accounting at Rutgers University. A copy of this report was not made available to us in an electronic format. Hard copies of the Progress Report and Financial Report have been Fedex'ed to you this afternoon and should arrive to your attention tomorrow morning. Please let me know if you do not receive this package by tomorrow afternoon.

Thank you for your time, have a great evening.

Best,  
Lauren Vincelli

Lauren Vincelli  
Business Assistant, Eagleton Center for Public Interest Polling  
Eagleton Institute of Politics, Rutgers University  
Carriage House, 185 Ryders Lane  
New Brunswick, NJ 08901  
Phone: (732) 932-9384, ext. 237  
Fax: (732) 932-1551



ProgressReport\_JULY2005\_EagletonInst.pdf

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EAGLETON INSTITUTE OF POLITICS

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

**MONTHLY PROGRESS REPORT  
JULY 2005**

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

August 15, 2005

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

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## OUTLINE

- Introduction
- Provisional Voting
  - Task 3.4
- Voter Identification Requirements
  - Task 3.10
  - Task 3.11
- Project Management
  - Task 3.1
- Financial Report

## INTRODUCTION

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

The effort this month continued to focus on research for the analysis and alternatives paper, including the compilation of Provisional Voting statutes, regulations, and litigation from the 50 states. We also prepared and delivered testimony at the EAC's regular monthly meeting in Pasadena on July 28.

The data collection, analysis, and compilation are all on schedule. Because of delays in agreeing on the composition of the Peer Review Group with EAC, however, the actual completion and submission of the analysis and alternatives paper to the EAC will most likely be delayed about a week beyond the target date in the work plan. We are scheduled to discuss the draft paper and guidance document prior to submission, with the EAC on September 6, and the final draft cannot be completed until several days after that date.

The document report is divided into 4 sections that cover: Provisional Voting, Voter Identification Requirements, Project Management, and the Financial Report. Each section references the specific tasks described in paragraph 3 of the contract.

Please direct any questions or comments about this report to Tom O'Neill at:

[REDACTED]

## PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to provisional voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed this month.

**Task 3.4: Collect and analyze state legislation, administrative procedures, and court cases. Understand the disparities and similarities of how provisional voting was implemented around the country.**

### LEGISLATION, REGULATIONS, AND LITIGATION

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

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

**Progress:** The 50-state (plus District of Columbia) chart created to collect data on provisional voting is complete. We have collected the statutes for all states. State by state summaries of provisional voting have been written for 47 states and D.C. A memorandum summarizing provisional voting litigation is complete. The collection of the documents associated with the litigation is nearing completion.

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

**Work Plan:** The remaining 3 state summaries of provisional voting will be completed by August 8. Analysis of all the information, data, and survey results concerning provisional voting data will be performed in August.

### PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with provisional voting in 2004. At the end of July the survey of 400 local election officials was nearing its end, and – as of this writing – is now complete with an analysis and report in draft form. We will rely on the survey results to improve our understanding of actual practice in administering provisional voting, including the steps local officials took to prepare for the election.

## PROVISIONAL VOTING NARRATIVES

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

**Progress:** The state-by-state database is complete, as is a first draft of all state narratives. This work has been shared with the larger team and is being reviewed currently in preparation for constructing analysis and recommendation of alternative approaches for provisional voting required under Task 3.5.

**Work Plan:** In the next month, revisions of the narratives will be complete. In addition to this research, we will expand upon vote fraud research and examine further the relationship between instances of vote fraud and ensuing election reforms.

## SURVEY OF COUNTY ELECTION OFFICIALS

**Description:** The Center for Public Interest Polling (CPIP) at Eagleton conducted a national survey of county election officials to measure several aspects of provisional voting. The survey was designed to determine the following factors related to provisional voting at the county (or equivalent election jurisdiction) level:

- The content and quality of instructions provided to county officials by the states;
- The steps taken by county officials to pass information on to poll workers;
- Differences in experience between states new to provisional voting and those that had some form of provisional ballot before HAVA; and
- Recommendations to improve and/or reduce the need for provisional voting.

**Progress:** The fielding and initial analysis of the survey results are complete.

**Work Plan:** The information derived from the survey will be considered in drafting the analysis and alternatives document required under Task 3.5.

## VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. During the reporting period, we have completed tasks 3.10 and 3.11. The research on Voter ID requirements is proceeding concurrently with our work on the experience of provisional voting.

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

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

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

**Progress:** The chart created to collect data on voter identification is complete and is now being reviewed. Voter identification statutes are being collected.

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

**Work Plan:** Review of the voter identification chart, the collection of the voter identification statutes, and the writing of the state by state summaries will be completed by the end of August.

### SUPPLEMENTS TO LEGAL ANALYSIS

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

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

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

### VOTER ID AND TURNOUT ANALYSIS

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

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

**Progress:** The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. It also contains exit poll data from the 50 states, providing demographic data of voter turnout. The analysis of that data is well underway.

**Challenges:** The initial methodology that was devised to investigate the questions involved in this part of the study proved insufficient, as the necessary data was unobtainable (the Census Bureau has not yet released their 2004 data). After re-developing an appropriate methodology, the necessary data has been assembled, we have resumed the analysis of this data.

**Projection:** The analysis of the impact that voter identification requirements have upon voter turnout should be completed around mid-August.

### **Task 3.11 Public meeting on Voter Identification Requirements**

**Description:** In early July, we continued our efforts to identify specific Voter ID topics or issues and panelists who could shed light on them. We recommended a focus on the debate over Voter ID now underway in the states. To provide a vivid picture of the debate, we recommended that one panel include specific legislators on opposite sides of the issue from two different states, Mississippi and Wisconsin. We also discussed adding a researcher to the panel in order to place the debate in a national or historical context. We also recommended a panel of two academic researchers with contrasting points of view, to address the effects of Voter ID provisions under HAVA. In response to our suggestions, EAC staff recommended a panel of two state election directors to address the interaction of Voter ID with HAVA.

By mid-July, the EAC had decided which topics and speakers should be invited, however most of those speakers proved unable to attend.

**Progress:** Tom O'Neill and Dan Tokaji attended the EAC Public Meeting held in Pasadena on July 28. Their presentations at the meeting described the progress of the research and our developing perspective on how to assess the quality of the provisional voting process in the states and identify possible steps for improvement.

**Challenges:** The changes in the scheduling of the July meeting delayed and ultimately made it impossible to assemble a panel, from which we could derive substantive insight into voter identification issues as they are playing out in the states. Additionally, due to the date of the hearing, the information from the hearing was not available as early in the research process as contemplated in the contract.

**Projection:** Preparation of the hearing summary will likely be delayed, due to the team's focus on preparation of the analysis and alternatives paper.

## **PROJECT MANAGEMENT**

### **PEER REVIEW GROUP**

**Description:** A feature of our proposal was the creation of a Peer Review Group (PRG). The EAC indicated at our first meeting in May that it would review our recommendations for members of the PRG. Our initial vision of the PRG was a small group of scholars and representatives of advocacy organizations that would comment on the research design, review drafts of our analyses and reports, and, in general, identify areas of the research that should be strengthened and help us improve the breadth, depth and clarity of reports based on that research.

**Progress:** Upon reflection, the project team agreed that the PRG should not include representatives of advocacy groups. We concluded that as representatives they would feel obligated to act as advocates for positions already taken by their groups. While advocacy organizations might be consulted as stakeholders during the course of our work, they were unlikely to achieve the goals we had in mind for the PRG as a source of advice on research design, methodology, and analysis. We submitted a revised list of potential members, substantially comprised of academics, to the EAC for review.

The EAC responded with suggestions concerning both the balance of the PRG's membership and the creation of additional committees to review our work. We provided an analysis of the cost and time involved in adopting the EAC's suggestions as well as with suggestions for a balanced selection of academics for the Peer Review Group. In the end, the EAC determined that Eagleton should appoint a balanced Peer Review Group of its own choosing. Initial phone calls were made to all members of that group by the end of July, and written invitations and descriptions of the process have gone to all possible members who had indicated their interest in serving.

**Challenges:** Communications on this issue with the EAC were not clear or timely. The purpose of the PRG is to review our work, and to comment on our research design, which is well underway. We had planned to have the PRG in place early enough in the project to enable them to provide feedback, including the research design. While we are

confident in the quality of our work, the experience and perspective of the Peer Review Group will strengthen our analysis and recommendations as we find a way to receive its critique in the more limited time now available. The delay in creating the Peer Review Group will result in a delay in the completion of the final draft of the analysis and alternatives paper and in the preliminary guidance document.

**Projections:** The work of the PRG will be about 2 weeks behind the milestones indicated in the work plan.

### COORDINATION AND INFORMATION MANAGEMENT

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

#### INFORMATION SYSTEM

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

**Progress:** The Moritz team has provided Eagleton staff with all completed work. An Eagleton staff member reviews the content and formats of data from all supporting research and will (re-)format once the work has been completed for the compendium and reports submitted to the EAC. The researchers and staff at Eagleton have created a shared folder on the Institute's server for the safe storage of work and access for those staff members. All of this work is being reviewed by the project team to ensure that a broad survey is being performed.

**Projections:** By the end of July 2005, much of the above referenced research has been completed. The entire project team has begun the process of reviewing all work, and will combine and format all documents and materials in preparation for our final reporting to the EAC.

#### INTRANET

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

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

## FINANCIAL REPORT

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

A detail of expenses incurred from project inception through June 30, 2005, is attached.

Diana Scott/EAC/GOV  
08/10/2005 04:07 PM

To klynndyson@eac.gov@EAC  
cc  
bcc  
Subject Rutgers Univ/Eagleton Inst.

History:

 This message has been replied to.

Karen,

A received a call from Rutgers Univ. regarding the nonpayment of an invoice (submitted on the Form 1034) in July for work done in June. I do not have this invoice, but Joyce's mail logs shows correspondence coming in from Eagleton Inst., in July, addressed to Tom Wilkey which apparently was passed on to you. Is this so? Plz. advise. I'd like to return the call to Rutgers, at least to acknowledge that the invoice was received by us.

Diana M. Scott  
Administrative Officer  
U.S. Election Assistance Commission  
(202) 566-3100 (office)  
(202) 566-3127 (fax)  
dscott@eac.gov

024698



"Laura Williams"  
<lauracw@columbus.rr.com>  
07/26/2005 02:51 PM

To "Karen Lynn-Dyson" <klynndyson@eac.gov>  
cc  
bcc

Subject Webcast of July 28 hearing

History:

 This message has been replied to.

Hi Karen,

Do you have the details of how we access the webcast of Thursday's hearing. Please let me know.  
Thanks. I hope all is well with you.

Laura Williams

024699



"Tom O'neill"  
[REDACTED]  
07/12/2005 05:25 PM

To klynndyson@eac.gov  
cc  
bcc  
Subject RE: Peer Review Group

Karen:

Thanks. I have not heard from Carol about the PRG nor from Julie about plans for the July public meeting. I believe I have sent you copies of my significant emails to them, and will make sure you get all of them in the future.

Tom O'Neill

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

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]  
**Sent:** Tuesday, July 12, 2005 5:09 PM  
**To:** [REDACTED]  
**Cc:** Paquette, Carol; Foley, Ned; reed, ingrid; Weingart, John; Laura Williams; Mandel, Ruth  
**Subject:** Re: Peer Review Group

Tom-

I trust you are in contact with Carol and Julie regarding the information on the Peer Review Group and the July 28 hearing at Cal/Tech that you have requested of them, respectively.

While the EAC is a small agency with relatively few reporting layers, I suggest that for all future items requiring feedback and decisions from the EAC, that you are certain to carbon copy me on all e-mails.

This will ensure, that as your primary point of contact, I have a record of all communication that has taken place between the contractor and the agency.

Thanks

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

024700

"Tom  
O'Neill"

07/08/2005  
03:41 PM

To: "Paquette, Carol" <cpaquette@eac.gov>  
cc: "Laura Williams" [REDACTED], "Weingart, John" <john.weingart@rutgers.edu>, "reed,  
ingrid" <ireed@rutgers.edu>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>, "Lynn-Dyson, Karen"  
<klyndyson@eac.gov>, "Foley, Ned" <foley.33@osu.edu>  
Subject: Peer Review Group

Carol,

After our discussion in New York, you asked me to put in writing our response to the EAC's suggestions for expanding the number and kinds of groups that would review and comment on our work. I hope after your review of this response, we will be able to quickly recruit a balanced Peer Review Group (PRG) and move ahead as the schedule in our work plan indicates. Attached is a revised list of the members we propose for appointment to the PRG. We will probably not be able to persuade all of them to serve, but the number and range of views included on the proposed list should ensure that the resulting group is well-balanced.

Tom

## RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS

### EAC's Recommendations for the PRG

Karen Lynn-Dyson reported this response from the EAC commissioners to our proposal for the composition of the PRG.

1. Not sufficient conservative representation on the PRG
2. Create a "tiered process" of review in which:
  - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.
  - B. PRG's analysis would be vetted by a defined/select group of local election officials.
  - C. A defined/select group of advocacy organizations would review the comments of the local election officials

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D. Empanel a final focus group of local election officials, advocates and academics for an overall, interactive reaction to the analysis and recommendations.

#### Project Team Response

Creating three new committees to the review process to supplement the work of the Peer Review Group (PRG) is possible, but would add at least 8 weeks –and possibly 12 weeks-- to our completion of the guidance document on provisional voting. We believe this delay would risk limiting the value of this project for the 2006 election. In addition, the change would add at least \$30,000 to the cost of our work. (See the attached table showing the possible effect on our work plan, and note the optimistic assumptions such as the ability to hold a hearing the week after Christmas.). If the same groups were to be engaged in reviewing our work on Voter ID, the time for that work would also have to be stretched at a similar increased cost.

This additional cost and the added time might be worthwhile. . . if the new layers of review were to produce a consensus on how to strengthen the research, sharpen the analysis, and increase the relevance of the Guidance Document. Our team concluded, however, that additional review groups were unlikely to achieve these results.

#### PRG focuses on quality of research

We believe that our research would be strengthened by a balanced Peer Review Group that will focus on the design of the research and our conduct of it. Based on the EAC's recommendation, we have revised the composition of the PRG to include additional, well-recognized authorities in the field whose perspective is generally agreed to be conservative.

The PRG will focus on the strength of the research design and the quality of our analysis, not on the politics of our recommendations for the guidance document. The PRG will critique the research design and suggest how to strengthen it. Members of the group will review the quality of our analysis so that we can fill holes and correct errors before we make policy recommendations to the EAC. The PRG may or may not meet as a group. The likelihood is that most comments will come in writing from individual members, most of whose schedules would not permit attendance at meetings. In any case, the PRG members will not gather around a table to come to consensus on the study's recommendations.

While using the PRG as a forum to reach consensus on the knotty issues involved does not appear practical, the EAC can benefit from the work of other groups in this regard. It is not necessary for this project to duplicate the deliberative processes of the Carter-Baker Commission, the Century Foundation and the Election Center. The EAC itself as well as the project team can get the benefit of these reports without duplicating this "policy evaluation board" structure as part of this contract.

#### Project Team focuses on analysis and recommendations

Karen reported that the Commissioners believed that the PRG would "prepare a dispassionate analysis of the issues and draw some tentative conclusions." As we see it, the PRG will neither analyze data nor draw conclusions, tentative or otherwise. Its members will review and comment on how the Project Team has designed and carried out the research. Analysis, conclusions and recommendations are the responsibility of the Project Team. We have all seen in the preface to books or articles a sentence or two that read something like this, "The author thanks Mr. X, Ms. Y, and Dr. Z for their review and comment on the manuscript. Their analysis has strengthened the work, but they are in no way responsible for errors or for my conclusions." That is the way we think about the Peer Review Group.

In short, the PRG will help ensure that EAC's Guidance Document is founded on a solid base of

data and analysis. The review and comment on the Preliminary Guidance Document by the EAC's Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a "defined/select" group we might empanel. Any group we define will be open to criticism or charges of bias by representatives of interest groups not represented.

The criticism and charges of bias might be tolerable, but only if we could expect consensus from the "defined/select" group we would appoint. We believe that consensus would be elusive. In empanelling a "defined/select" group, we would naturally look for balance and would appoint members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

#### Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the Guidance Document. We plan, of course, to respond to the EAC's comments on our preliminary draft, so that the EAC's comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.

Carol A. Paquette/EAC/GOV  
07/08/2005 05:13 PM

To Juliet E. Thompson/EAC/GOV@EAC  
cc Karen Lynn-Dyson/EAC/GOV@EAC  
bcc

Subject Fw: Peer Review Group

History: This message has been replied to and forwarded.

Julie -

I don't remember saying much of anything but a few pleasantries to Tom in New York. Did you talk to him about this topic? I'm really at a loss on this. (Maybe I'm having an extended senior moment.)

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

----- Forwarded by Carol A. Paquette/EAC/GOV on 07/08/2005 05:07 PM -----



"Tom O'Neill"

07/08/2005 03:41 PM

To "Paquette, Carol" <cpaquette@eac.gov>

"Laura Williams" <[redacted]> "Weingart, John" <john.weingart@rutgers.edu>, "reed, ingrid"

cc <ireed@rutgers.edu>, "Mandel, Ruth"

<rmandel@rci.rutgers.edu>, "Lynn-Dyson, Karren"

<klynndyson@eac.gov>, "Foley, Ned" <foley.33@osu.edu>

Subject Peer Review Group

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- C. A defined/select group of advocacy organizations would review the comments of the local election officials
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#### Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the Guidance Document. We plan, of course, to respond to the EAC's comments on our preliminary draft, so that the EAC's comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.



PROPOSED MEMBERS July 6.doc



"Tom O'Neill"  
[REDACTED]  
07/08/2005 03:41 PM

To "Paquette, Carol" <cpaquette@eac.gov>  
cc "Laura Williams" <[REDACTED]>, "Weingart, John" <john.weingart@rutgers.edu>, "reed, ingrid" <ireed@rutgers.edu>, "Mandel, Ruth"  
bcc

Subject Peer Review Group

History: This message has been replied to and forwarded.

Carol,

After our discussion in New York, you asked me to put in writing our response to the EAC's suggestions for expanding the number and kinds of groups that would review and comment on our work. I hope after your review of this response, we will be able to quickly recruit a balanced Peer Review Group (PRG) and move ahead as the schedule in our work plan indicates. Attached is a revised list of the members we propose for appointment to the PRG. We will probably not be able to persuade all of them to serve, but the number and range of views included on the proposed list should ensure that the resulting group is well-balanced.

Tom

## RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS

### EAC's Recommendations for the PRG

Karen Lynn-Dyson reported this response from the EAC commissioners to our proposal for the composition of the PRG.

1. Not sufficient conservative representation on the PRG
2. Create a "tiered process" of review in which:
  - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.
  - B. PRG's analysis would be vetted by a defined/select group of local election officials.
  - C. A defined/select group of advocacy organizations would review the comments of the local election officials
  - D. Empanel a final focus group of local election officials, advocates and academics for an overall, interactive reaction to the analysis and recommendations.

### Project Team Response

Creating three new committees to the review process to supplement the work of the Peer Review Group (PRG) is possible, but would add at least 8 weeks --and possibly 12 weeks-- to our completion of the guidance document on provisional voting. We believe this delay would risk limiting the value of this project for the 2006 election. In addition, the change would add at least \$30,000 to the cost of our work. (See the attached table showing the possible effect on our work plan, and note the optimistic assumptions such as the ability to hold a hearing the week after Christmas.) If the same groups were to be engaged in reviewing our work on Voter ID, the time for that work would also have to be stretched at a similar increased cost.

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This additional cost and the added time might be worthwhile. . . if the new layers of review were to produce a consensus on how to strengthen the research, sharpen the analysis, and increase the relevance of the Guidance Document. Our team concluded, however, that additional review groups were unlikely to achieve these results.

#### PRG focuses on quality of research

We believe that our research would be strengthened by a balanced Peer Review Group that will focus on the design of the research and our conduct of it. Based on the EAC's recommendation, we have revised the composition of the PRG to include additional, well-recognized authorities in the field whose perspective is generally agreed to be conservative.

The PRG will focus on the strength of the research design and the quality of our analysis, not on the politics of our recommendations for the guidance document. The PRG will critique the research design and suggest how to strengthen it. Members of the group will review the quality of our analysis so that we can fill holes and correct errors before we make policy recommendations to the EAC. The PRG may or may not meet as a group. The likelihood is that most comments will come in writing from individual members, most of whose schedules would not permit attendance at meetings. In any case, the PRG members will not gather around a table to come to consensus on the study's recommendations.

While using the PRG as a forum to reach consensus on the knotty issues involved does not appear practical, the EAC can benefit from the work of other groups in this regard. It is not necessary for this project to duplicate the deliberative processes of the Carter-Baker Commission, the Century Foundation and the Election Center. The EAC itself as well as the project team can get the benefit of these reports without duplicating this "policy evaluation board" structure as part of this contract.

#### Project Team focuses on analysis and recommendations

Karen reported that the Commissioners believed that the PRG would "prepare a dispassionate analysis of the issues and draw some tentative conclusions." As we see it, the PRG will neither analyze data nor draw conclusions, tentative or otherwise. Its members will review and comment on how the Project Team has designed and carried out the research. Analysis, conclusions and recommendations are the responsibility of the Project Team. We have all seen in the preface to books or articles a sentence or two that read something like this, "The author thanks Mr. X, Ms. Y, and Dr. Z for their review and comment on the manuscript. Their analysis has strengthened the work, but they are in no way responsible for errors or for my conclusions." That is the way we think about the Peer Review Group.

In short, the PRG will help ensure that EAC's Guidance Document is founded on a solid base of data and analysis. The review and comment on the Preliminary Guidance Document by the EAC's Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a "defined/select" group we might empanel. Any group we define will be open to criticism or charges of bias by representatives of interest groups not represented.

The criticism and charges of bias might be tolerable, but only if we could expect consensus from the "defined/select" group we would appoint. We believe that consensus would be elusive. In empanelling a "defined/select" group, we would naturally look for balance and would appoint

members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

#### Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the Guidance Document. We plan, of course, to respond to the EAC's comments on our preliminary draft, so that the EAC's comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.



PROPOSED MEMBERS July 6.doc

**REVISED**  
**PROPOSED MEMBERS OF PEER REVIEW GROUP**  
July 6, 2005

**Role of the Peer Review Group**

Members of the Peer Review Group will review the research design for the project, including the survey of local election officials, the analysis of Voter ID regime on turnout, the state-by-state narrative of developments in provisional voting and voter identification, and the compilation and analysis of statutes, administrative regulations, and case law affecting provisional voting and voter identification. They will also review the report on Analysis and Alternatives. They may review the draft of the Preliminary Guidance Document before it goes to the Board of Advisors for comment.

Members of the group will be respected authorities in their fields and represent a range of opinions and perspectives, although their views on policy will be less important to the study than their views on the quality of the research on which policy recommendations are based.

Ideally, the group would meet once, but even that may not be possible to arrange given the tight time period for the project, the demanding schedules of the members, and their wide dispersal across the county. They will function largely by reviewing written work and making written comments on it. The timing of their involvement is indicated on the work plan.

**R. Michael Alvarez, Ph.D.**  
Professor of Political Science  
California Institute of Technology  
rma@hss.caltech.edu  
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College, his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

**Guy-Uriel E. Charles**  
Associate Professor  
School of Law  
University of Minnesota  
342 Mondale Hall  
229-19th Avenue South  
Minneapolis, MN 55455  
612-626-9154  
gcharles@umn.edu

Charles teaches and writes on election law, law and politics, and race. He received his B.A. degree in Political Science, cum laude from Spring Arbor University and his J.D. from the University of Michigan Law School, where he was Editor-in-Chief of the Michigan Journal of Race & Law. He is completing a PhD in political science from the University of Michigan.

**Brad Clark**

Professor of Law  
George Washington University School of Law

Clark received his B.A. in Political Science from Florida State University and his J.D. from Columbia Law School in 1985. He served as a law clerk to the Judge Robert H. Bork on the US Court of Appeals and went on to clerk for Justice Antonin Scalia on the Supreme Court. He has been on the faculty at George Washington University Law School for 12 years, where he has taught Constitutional Law, Federal Courts, and Civil Procedure.

**Pamela Susan Karlan**

Montgomery Professor of Public Interest Law  
Stanford Law School  
559 Nathan Abbott Way  
Stanford, CA 94305-8610  
(650) 725-4851  
karlan@stanford.edu

Karlan's principal subjects include legal regulation of the political process. She earned her BA, MA, and JD at Yale University, and was previously a Professor at the University of Virginia. She serves on the California Fair Political Practices Commission and is a Cooperating Attorney with the NAACP Legal Defense and Education Fund. She has also been a lecturer at the FBI National Academy. Among her publications, she is a co-author of *When Elections Go Bad: The Law of Democracy and the Presidential Election of 2000*.

**Martha E. Kropf, Ph.D.**

Assistant Professor of Political Science  
University of Missouri-Kansas City  
816-235-5948; KropfM@umkc.edu

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

**Daniel H. Lowenstein**

Professor of Law  
School of Law  
University of California, Los Angeles  
Box 951476,  
Los Angeles, CA 90095-1476  
(310) 825-4841

Among other courses, Lowenstein teaches *Election Law*. His textbook, *Election Law* has become a standard in the field. He earned his A.B. at Yale and his LL.B. at Harvard. While working for California's Secretary of State he was the main drafter of the *Political Reform Act* in 1971. He was the first chair of the Fair Political Practices Commission. He has served on the national governing board of Common Cause. He has written on such topics as campaign finance, redistricting, bribery, initiative elections, and political parties.

**John F. Manning**

Professor  
Harvard Law School

Formatted

Deleted: Deborah Goldberg, Ph.D.  
Program Director, Democracy Program  
Brennan Center for Justice at NYU School of Law  
161 Avenue Of The Americas, 12th Floor  
New York, NY 10013  
212-998-6730  
Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

Now at Harvard, Manning was appointed Assistant Attorney General for the Office of Legal Counsel by President Bush in 2001. He had been Professor of Law at Columbia Law School. Had had served as Assistant to the Solicitor General of the United States and was an Attorney-Adviser in the Office of Legal Counsel at the Department of Justice during the administrations of President George H. W. Bush and President Reagan. He is a graduate of Harvard College and Harvard Law School.

**Tim Storey**

Program Principal  
Legislative Management Program  
National Conference of State Legislatures  
7700 East First Place  
Denver, CO 80230  
303-364-7700  
or  
444 North Capitol Street, N.W., Suite 515  
Washington, D.C. 20001  
202-624-5400

**Peter G. Verniero, Esq.**

Counsel  
Sills, Cummis, Epstein and Gross, PC  
One Riverfront Plaza  
Newark, New Jersey 07102  
Tel: 973- 643-7000

Verniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

**Plus one or two former, senior election officials to be suggested by the EAC**

**Deleted: Wade Henderson, Esq.** ¶  
Executive Director ¶  
Leadership Conference on Civil Rights ¶  
1629 K Street, NW, 10<sup>th</sup> Floor ¶  
Washington, DC 20006 ¶  
Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU. ¶

¶  
**Kay Maxwell** ¶  
President ¶  
League of Women Voters of the U.S. ¶  
1730 M Street NW, Suite 1000 ¶  
Washington, DC 20036-4508 ¶  
202-429-1965 ¶  
Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project. ¶

**Deleted:** ¶



"Tom O'Neill"  
 [Redacted]  
 06/20/2005 12:19 PM

To klynndyson@eac.gov  
 cc  
 bcc

Subject RE: Revised Work Plan --Gantt Chart

History: This message has been replied to and forwarded.

Karen:

I just downloaded the same file I sent you. It is formatted for printing at 11x17, and I had no difficulty magnifying it to that size on my computer screen. I don't have a printer than handles paper that size so I can't print it myself. The only other format I have available is a Microsoft project file, and that is attached. (Although in my experience pdf files are the easiest to handle.)

Tom

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

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]  
**Sent:** Monday, June 20, 2005 12:04 PM  
**To:** [Redacted]  
**Cc:** lotero@eac.gov  
**Subject:** Re: Revised Work Plan --Gantt Chart

Happy Monday, Tom

The EAC Research Associate and I are having difficulty reading the Gantt chart you sent and need it sent in a format in which we can enlarge it to at least 11X 17.

I'd like to be able to share this with the Commissioners later on this afternoon, but understand if your not able to convert it by then.

Thanks

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



tel:202-566-3123 GanttChartJune-Aug GanttChartJune-Aug GanttChartMonthly.mpp





**Provisional Voting & Voting Identification Procedures Study - Eagleton Institute of Politics at Rutgers, The State University of New Jersey**

ID	Task Name	Duration	Start	Finish	July								August		
					6/5	6/12	6/19	6/26	7/3	7/10	7/17	7/24	7/31	8/7	
1	Status reports for August tasks	5 days?	Mon 9/5/05	Fri 9/9/05											
2	August Progress Report to EAC	0 days	Fri 9/2/05	Fri 9/2/05											
3	Draft PGD to EAC for review	0 days	Tue 9/6/05	Tue 9/6/05											
4	Receive EAC commnets; revise	5 days?	Mon 9/12/05	Fri 9/16/05											
5	Submit Draft GD to EAC BOA & SB	0 days	Fri 9/16/05	Fri 9/16/05											
6	Draft Analysis & Alts. Report	5 days?	Mon 9/5/05	Fri 9/9/05											
7	Complete Compendium	5 days?	Mon 9/12/05	Fri 9/16/05											
8	Arrange December Public Hearing	5 days?	Mon 9/12/05	Fri 9/16/05											
9	Review draft report	3 days?	Mon 9/19/05	Wed 9/21/05											
10	Revise draft report	3 days?	Wed 9/21/05	Fri 9/23/05											
11	Status reports for Septemeber tasks	5 days?	Mon 10/3/05	Fri 10/7/05											
12	September Progress Report to EAC	0 days	Mon 10/3/05	Mon 10/3/05											
13	Meet EAC BOA/SB	5 days?	Mon 10/3/05	Fri 10/7/05											
14	Revise GD	1 day?	Fri 10/7/05	Fri 10/7/05											
15	Draft GD to EAC for publication	5 days?	Mon 10/10/05	Fri 10/14/05											
16	Publication	0 days	Fri 10/14/05	Fri 10/14/05											
17	Public Hearing on GD	5 days?	Mon 10/17/05	Fri 10/21/05											
18	Report Analysis & Alts. To PRG	2 days?	Mon 10/3/05	Tue 10/4/05											
19	PRG Comments	0 days	Wed 10/5/05	Wed 10/5/05											
20	Revise	0 days	Thu 10/6/05	Thu 10/6/05											
21	Submit draft to EAC	0 days	Fri 10/7/05	Fri 10/7/05											
22	Revise	3 days?	Mon 10/10/05	Wed 10/12/05											
23	Report, Alts., & Compendium to EAC	0 days	Thu 10/13/05	Thu 10/13/05											
24	Status reports for October tasks	4 days?	Tue 11/1/05	Fri 11/4/05											
25	October Progress Report to EAC	0 days	Mon 11/7/05	Mon 11/7/05											
26	Hearing Summary	5 days?	Mon 11/7/05	Fri 11/11/05											
27	Analysis of Comments	4 days?	Tue 11/8/05	Fri 11/11/05											
28	Revise Guidance Document	3 days?	Wed 11/9/05	Fri 11/11/05											
29	Final Guidance to EAC for adoption	5 days?	Mon 11/14/05	Fri 11/18/05											
30	Draft PGD	3 days?	Mon 11/7/05	Wed 11/9/05											
31	Review draft	2 days?	Thu 11/10/05	Fri 11/11/05											
32	Draft PGD to EAC for review	2 days?	Mon 11/14/05	Tue 11/15/05											
33	Revise	2 days?	Wed 11/16/05	Thu 11/17/05											

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**Provisional Voting & Voting Identification Procedures Study - Eagleton Institute of Politics at Rutgers, The State University of New Jersey**

ID	Task Name	Duration	Start	Finish	July								August		
					6/5	6/12	6/19	6/26	7/3	7/10	7/17	7/24	7/31	8/7	
34	PGD to BOA	1 day?	Fri 11/18/05	Fri 11/18/05											
35	Meet EAC, BOA/SB	0 days	Mon 11/21/05	Mon 11/21/05											
36	Revise Draft GD	2 days?	Tue 11/22/05	Wed 11/23/05											
37	Draft GD to EAC	1 day?	Thu 11/24/05	Thu 11/24/05											
38	Publication	0 days	Mon 11/28/05	Mon 11/28/05											
39	Status reports for November tasks	2 days?	Thu 12/1/05	Fri 12/2/05											
40	November Progress Reports to EAC	0 days	Mon 12/5/05	Mon 12/5/05											
41	Final Reports to EAC	0 days	Fri 12/23/05	Fri 12/23/05											
42	Public Hearing	5 days?	Mon 12/5/05	Fri 12/9/05											
43	Hearing Summary	5 days?	Mon 12/12/05	Fri 12/16/05											
44	Analysis of comments	1 day?	Mon 12/19/05	Mon 12/19/05											
45	Revise Guidance Document	3 days?	Tue 12/20/05	Thu 12/22/05											
46	EAC revises and adopts Final GD	0 days	Fri 12/23/05	Fri 12/23/05											







"Tom O'Neill"

06/17/2005 03:43 PM

To klynndyson@eac.gov

cc

bcc

Subject Revised Work Plan –Gantt Chart

History:

 This message has been replied to and forwarded.

Karen,

Attached is the Gantt chart that you and Carol requested. I think it is most useful if used in conjunction with the work plan table that I sent originally, but whether you use it as freestanding guide to the project or as a supplement, I hope it meets your needs.

The narrative to complement the Gantt chart will be along early next week.



Tom GanttChartFinal.pdf

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