

**Indiana:**

Indiana Provisional Ballots

1. Voter ID bill spurs two suits; Opponents of law claim it burdens elderly, poor, disabled, minorities., The Indiana Lawyer, May 18, 2005, Vol. 16, No. 5; Pg. 3, 1539 words, RON BROWNING
2. Daniels signs voter ID bill; ICLU plans lawsuit, The Associated Press State & Local Wire, April 28, 2005, Thursday, BC cycle, State and Regional, 350 words, INDIANAPOLIS
8. Governor should veto photo ID bill, South Bend Tribune (Indiana), March 23, 2005 Wednesday, Michigan Edition, Pg. B4;, 178 words
13. Board agrees better training needed for poll workers; Some votes didn't count this year because of mistakes., South Bend Tribune (Indiana), November 26, 2004 Friday, Marshall Edition, Pg. B1, 841 words, By JAMES WENSITS; Tribune Political Writer
25. Tips for voters going to the polls, The Associated Press State & Local Wire, October 29, 2004, Friday, BC cycle, Political News, 376 words, By The Associated Press

**Iowa:**

Iowa Provisional Ballots

1. Culver announces \$17.5 million for election upgrades, The Associated Press State & Local Wire, March 17, 2005, Thursday, BC cycle, State and Regional, 493 words, By MIKE GLOVER, AP Political Writer, DES MOINES, Iowa
15. U.S voting system still has room to improve; Billions spent, but process still lacks consistency, Telegraph Herald (Dubuque, IA), November 5, 2004 Friday, 408 words, TELEGRAPH HERALD EDITORIAL
24. Local boards to sift through absentee, provisional ballots, The Associated Press State & Local Wire, November 3, 2004, Wednesday, BC cycle, Political News, 616 words, By MIKE GLOVER, AP Political Writer, DES MOINES, Iowa
35. Judge declines to act on provisional ballot lawsuit, The Associated Press State & Local Wire, October 28, 2004, Thursday, BC cycle, Political News, 588 words, By DAVID PITT, Associated Press Writer, DES MOINES, Iowa
40. Republicans file suit to block ballot-counting ruling, The Associated Press State & Local Wire, October 26, 2004, Tuesday, BC cycle, Political News, 742 words, DES MOINES, Iowa
45. Iowans who forgot to check citizenship box can vote, The Associated Press State & Local Wire, October 20, 2004, Wednesday, BC cycle, Political News, 476 words, By CAROL ANN RIHA, Associated Press Writer, DES MOINES, Iowa

**Kansas:**

Kansas Provisional Ballots

2. Thornburgh urges Congress not to expand federal role in elections, The Associated Press State & Local Wire, February 9, 2005, Wednesday, BC cycle, State and Regional, 412 words, By SAM HANANEL, Associated Press Writer, WASHINGTON
8. Provisional ballots prove crucial in state Senate race, The Associated Press State & Local Wire, November 7, 2004, Sunday, BC cycle, State and Regional, 361 words, TOPEKA, Kan.

**Kentucky:**

## Kentucky Provisional Ballots

1. Provisional ballots by state, The Associated Press State & Local Wire, March 18, 2005, Friday, BC cycle, State and Regional; Washington Dateline, 1306 words, By The Associated Press.
2. Two-thirds of provisional ballots counted, but wide variations between states, The Associated Press State & Local Wire, March 18, 2005, Friday, BC cycle, State and Regional; Washington Dateline, 592 words, By DAVID PACE, Associated Press Writer, WASHINGTON
6. Facts to help Kentucky voters with Tuesday's election, The Associated Press State & Local Wire, October 30, 2004, Saturday, BC cycle, Political News, 648 words, By JOE BIESK, The Associated Press, FRANKFORT, Ky.

## Louisiana:

### Louisiana Provisional Ballots

9. Nov. 2 N.O. election called 'catastrophe', New Orleans CityBusiness (New Orleans, LA), November 15, 2004 Monday, NEWS, 1091 words, Richard A. Webster
11. Nearly 6,000 cast provisional ballots; About 40% had their votes counted, Times-Picayune (New Orleans), November 13, 2004 Saturday, NATIONAL; Pg. 2, 652 words, By Ed Anderson, Capital bureau
15. Provisional voting good and bad , The Advocate (Baton Rouge, Louisiana), November 7, 2004 Sunday, Metro Edition, NEWS; Pg. 15-B, 718 words, JOHN LAPLANTE
17. Election day chaos, Times-Picayune (New Orleans), November 6, 2004 Saturday, METRO - EDITORIAL; Pg. 6, 339 words
24. Voting frustrations mount in New Orleans - again, The Associated Press State & Local Wire, November 3, 2004, Wednesday, BC cycle, State and Regional, 874 words, By BRETT MARTEL, Associated Press Writer, NEW ORLEANS
26. Between heaven and ballot box, Times-Picayune (New Orleans), November 3, 2004 Wednesday, METRO; Lolis Eric Elie; Pg. 1, 487 words, Lolis Eric Elie
36. McKeithen: most provisional ballots won't count, The Associated Press State & Local Wire, November 1, 2004, Monday, BC cycle, State and Regional, 644 words, By BRETT MARTEL, Associated Press Writer, NEW ORLEANS
39. No picture ID need to cast ballots in Louisiana, The Associated Press State & Local Wire, October 31, 2004, Sunday, BC cycle, State and Regional, 373 words, NEW ORLEANS
45. Summary: Lost voters can use provisional ballots, The Associated Press State & Local Wire, October 29, 2004, Friday, BC cycle, State and Regional, 72 words, By The Associated Press

## Maine:

### Maine Provisional Ballots

Maine does not have provisional ballots being exempt from that section of HAVA because they allow same-day registration.

1. Electors hand in four votes for Kerry; Rather than dwell on their loss, the Democrats emphasize the high quality of Maine's election., Portland Press Herald (Maine), December 14, 2004 Tuesday, Final Edition, FRONT; Pg. A1, 684 words, JOSHUA L. WEINSTEIN Staff Writer, AUGUSTA
5. Only two more voting days left until Nov. 2; Maine makes it so easy to cast a ballot that anyone can do it - and thus, everyone should., Portland Press Herald (Maine), October 31, 2004 Sunday, FINAL Edition, EDITORIAL; Our Views; Pg. C4, 327 words

**Maryland:**

Maryland Provisional Ballots

3. Commentary: UB Viewpoint - The impact of election reform in Maryland, The Daily Record (Baltimore, MD), March 11, 2005 Friday, COMMENTARY, 1051 words, John T. Willis
5. TrueVote recommendations for improving elections, The Associated Press State & Local Wire, November 23, 2004, Tuesday, BC cycle, State and Regional, 133 words, By The Associated Press
10. Commentary: The erosion of American democracy, The Daily Record (Baltimore, MD), November 5, 2004 Friday, COMMENTARY, 1460 words, Martin S. Himeles Jr.
20. Voter's guide to the Maryland election, The Associated Press State & Local Wire, October 30, 2004, Saturday, BC cycle, Political News, 547 words, By The Associated Press
24. Elections chief says Maryland ready for Nov. 2, The Associated Press State & Local Wire, October 17, 2004, Sunday, BC cycle, Political News, 1292 words, By TOM STUCKEY, Associated Press Writer, ANNAPOLIS, Md.
26. Election board won't count paper ballots, The Associated Press State & Local Wire, July 2, 2004, Friday, BC cycle, State and Regional, 181 words, ANNAPOLIS, Md.

**Massachusetts:**

Massachusetts Provisional Ballots

1. STUDY FINDS VOTING TROUBLE FOR SOME STATE RESIDENTS SAYS NEARLY 9% DENIED BALLOTS, The Boston Globe, June 9, 2005, Thursday, THIRD EDITION, Pg. B6, 858 words, By Rebecca Mahoney, Globe Correspondent
13. VOTING ERRORS TALLIED NATIONWIDE, The Boston Globe, December 1, 2004, Wednesday, THIRD EDITION, Pg. A1, 2225 words, By Brian C. Mooney GLOBE STAFF
25. Voter fraud made easy, The Berkshire Eagle (Pittsfield, Massachusetts), November 13, 2004 Saturday, LETTERS, 169 words
26. PREPARING FOR 2008, The Boston Globe, November 12, 2004, Friday, THIRD EDITION, Pg. A18, 463 words
32. Students cry foul over voter sign-up snafu, The Berkshire Eagle (Pittsfield, Massachusetts), November 8, 2004 Monday, HEADLINES, 670 words, D.R. Bahlman, Berkshire Eagle Staff, PITTSFIELD
64. BIG TURNOUT, FEW GLITCHES REPORTED AT STATE POLLS LONG LINES FAIL TO DETER VOTERS IN MANY TOWNS, The Boston Globe, November 3, 2004, Wednesday, THIRD EDITION, Pg. B7, 731 words, By Michael Levenson, Globe Correspondent
77. Common sense vs. fraud, Sentinel & Enterprise (Fitchburg, Massachusetts), November 3, 2004 Wednesday, TODAY'S EDITORIALS, 420 words
79. NEW ID CHECKS TAKE EFFECT AS RECORD TURNOUT IS EXPECTED, The Boston Globe, November 2, 2004, Tuesday, THIRD EDITION, Pg. B4, 522 words, By Elise Castelli Globe Correspondent
92. Voter information for Election Day 2004, The Associated Press State & Local Wire, October 29, 2004, Friday, BC cycle, State and Regional; Political News, 565 words, By The Associated Press
93. Law requires IDs from new voters, Lowell Sun (Lowell, MA), October 28, 2004 Thursday, TODAY'S HEADLINES<!--NAV:SPACE\_BEFORE--, 546 words, MICHAEL LAFLEUR, Sun Staff
94. Election Day do's and don'ts, The Berkshire Eagle (Pittsfield, Massachusetts), October 27, 2004

Wednesday, OTHER OPINIONS, 558 words, Bill Shein

99. Republicans planning a heist By Robert Kuttner, The Berkshire Eagle (Pittsfield, Massachusetts), October 23, 2004 Saturday, OTHER OPINIONS, 746 words

**Michigan:**

Michigan Provisional Ballots

2. Lawmakers call for investigations into long lines at voting stations, The Associated Press State & Local Wire, January 12, 2005, Wednesday, BC cycle, State and Regional, 244 words, By MALIA RULON, Associated Press Writer, WASHINGTON

4. Michigan voters cast 3,100 provisional ballots in general election, The Associated Press State & Local Wire, November 9, 2004, Tuesday, BC cycle, State and Regional, 285 words, LANSING, Mich.

6. Provisional ballots: the next hanging chads or largely insignificant?, The Associated Press State & Local Wire, October 29, 2004, Friday, BC cycle, State and Regional; Political News, 836 words, By DAVID EGGERT, Associated Press Writer, LANSING, Mich.

9. Summary Box: Provisional ballots, The Associated Press State & Local Wire, October 29, 2004, Friday, BC cycle, State and Regional; Political News, 108 words, By The Associated Press

12. Main controversy over provisional ballots probably over for now, The Associated Press State & Local Wire, October 28, 2004, Thursday, BC cycle, Political News, 582 words, By ANNE GEARAN, Associated Press Writer, WASHINGTON

15. Appeals court reverses lower-court ruling on provisional ballots in Michigan, The Associated Press State & Local Wire, October 26, 2004, Tuesday, BC cycle, State and Regional; Political News, 514 words, CINCINNATI

18. Federal appeals court: Provisional ballots cast outside voter's home precinct not valid, The Associated Press State & Local Wire, October 23, 2004, Saturday, BC cycle, Political News, 735 words, By JOE KAY, Associated Press Writer, CINCINNATI

23. Federal judge says Michigan must count provisional ballots in wrong precincts, The Associated Press State & Local Wire, October 19, 2004, Tuesday, BC cycle, State and Regional; Political News, 719 words, By DAVID EGGERT, Associated Press Writer, LANSING, Mich.

27. Democrats sue to allow provisional ballots cast in wrong precinct, The Associated Press State & Local Wire, September 29, 2004, Wednesday, BC cycle, State and Regional; Political News, 342 words, By AMY F. BAILEY, Associated Press Writer, LANSING, Mich.

**Minnesota:**

Minnesota Provisional Ballots

Minnesota does not have provisional ballots, being exempt from that portion of HAVA because they allow same-day registration.

3. Voting; Flaws need federal attention, Star Tribune (Minneapolis, MN), November 14, 2004, Sunday, Metro Edition, NEWS; OP EX; Pg. 4AA, 670 words

7. Needed or not, poll watchers oversee uneventful election, The Associated Press State & Local Wire, November 3, 2004, Wednesday, BC cycle, Political News, 664 words, By GREGG AAMOT, Associated Press Writer, MINNEAPOLIS

8. The franchise; A still-imperfect democracy, Star Tribune (Minneapolis, MN), November 3, 2004, Wednesday, Metro Edition, NEWS; Pg. 28A, 629 words

**Mississippi:**

## Mississippi Provisional Ballots

1. Group finds voting problems across South, The Associated Press State & Local Wire, November 6, 2004, Saturday, BC cycle, State and Regional, 540 words, By DOUG GROSS, Associated Press Writer, ATLANTA

## Missouri:

### Missouri Provisional Ballots

1. Man claims judges allowed illegal voting Poll watcher was told to leave precinct in East St. Louis, St. Louis Post-Dispatch (Missouri), April 7, 2005 Thursday, ILLINOIS FIVE STAR LIFT EDITION, METRO; Pg. B2, 421 words, BY CAROLYN TUFT Of the Post-Dispatch

7. Less than half of provisional ballots in Missouri counted, The Associated Press State & Local Wire, November 29, 2004, Monday, BC cycle, State and Regional, 564 words, By KELLY WIESE, Associated Press Writer, JEFFERSON CITY, Mo.

14. Election Day was a lesson in life and civics, St. Louis Post-Dispatch (Missouri), November 7, 2004 Sunday, FIVE STAR LATE LIFT EDITION, EDITORIAL; Commentary Column; Pg. B03, 385 words, By CHARLES A. NEWMAN

21. City declares election a success; prepares for next challenge, The Associated Press State & Local Wire, November 3, 2004, Wednesday, BC cycle, Political News, 699 words, By CHERYL WITTENAUER, Associated Press Writer, ST. LOUIS

35. Voting in Missouri, St. Louis Post-Dispatch (Missouri), November 2, 2004 Tuesday, FIVE STAR LATE LIFT EDITION, METRO; Pg. B02, 365 words

38. A voter's rights, St. Louis Post-Dispatch (Missouri), November 2, 2004 Tuesday, FIVE STAR LATE LIFT EDITION, EDITORIAL; Pg. B06, 752 words

50. Voting 101: Bring ID, be patient, ask for help, The Associated Press State & Local Wire, October 29, 2004, Friday, BC cycle, Political News, 740 words, By SCOTT CHARTON, AP Political Writer

52. Black voters will draw scrutiny, St. Louis Post-Dispatch (Missouri), October 29, 2004 Friday Five Star Late Lift Edition, METRO; Pg. B01, 959 words, JO MANNIES Post-Dispatch Political Correspondent

70. U.S. judge spells out when they are valid, St. Louis Post-Dispatch (Missouri), October 13, 2004 Wednesday Five Star Late Lift Edition Correction Appended, METRO; Pg. B01, 622 words, JO MANNIES Post-Dispatch Political Correspondent

88. Judge may rule today on provisional balloting, St. Louis Post-Dispatch (Missouri), August 11, 2004 Wednesday Five Star Late Lift Edition, METRO; Pg. B01, 612 words, JO MANNIES Post-Dispatch Political Correspondent

## Montana:

### Montana Provisional Ballots

No stories in local newspapers.

## Nebraska:

### Nebraska Provisional Ballots

1. Probe finds no bias in Omaha's balloting Nebraska's secretary of state responds to criticism from Democratic leaders., Omaha World-Herald (Nebraska), June 15, 2005, Wednesday, METRO;NEBRASKA;SUNRISE EDITION, Pg. 01B;, 502 words, Joseph Morton

6. Bill will smooth voters' path to polls, Omaha World-Herald (Nebraska), May 10, 2005, Tuesday, SUNRISE EDITION, Pg. 01A, 308 words, Martha Stoddard, LINCOLN
8. Provisional ballots available for voters, Lincoln Journal Star (Nebraska), April 29, 2005 Friday, City Edition, B; Pg. 5, 153 words, Lincoln, NE
10. Rural voters stand to benefit, Lincoln Journal Star (Nebraska), March 31, 2005 Thursday, City Edition, B; Pg. 1, 965 words, NANCY HICKS, Lincoln Journal Star
29. Provisional ballots 80% valid in state, Omaha World-Herald (Nebraska), November 11, 2004, Thursday, NEBRASKA;SUNRISE EDITION, Pg. 01B, 513 words, Tom Shaw
36. Voting system still in need of improvement, Lincoln Journal Star (Nebraska), November 6, 2004 Saturday, City Edition, B; Pg. 5, 446 words
43. Provisional ballots mount in Nebraska, The Associated Press State & Local Wire, November 4, 2004, Thursday, BC cycle, State and Regional; Political News, 467 words, By The Associated Press
46. Reasons for provisional ballot use to be probed About 8,000 people in Douglas County cast the ballots in Tuesday's election., Omaha World-Herald (Nebraska), November 4, 2004, Thursday, METRO EDITION, Pg. 06A, 346 words, Tom Shaw
72. Frequently asked questions and answers about voting, The Associated Press State & Local Wire, October 29, 2004, Friday, BC cycle, State and Regional, 370 words
77. Tainted democracy Gratuitous allegations of fraud can promote distrust in system., Omaha World-Herald (Nebraska), October 27, 2004, Wednesday, IOWA;METRO;MIDLANDS;NEBRASKA;SUNRISE EDITION, Pg. 06B, 516 words, 11

#### Nevada:

##### Nevada Provisional Ballots

1. Nevada committees take up election reform, The Associated Press State & Local Wire, May 5, 2005, Thursday, BC cycle, State and Regional, 636 words, By ELIZABETH WHITE, Associated Press Writer, CARSON CITY, Nev.
3. Nevada provisional ballot bill causes confusion, The Associated Press State & Local Wire, April 7, 2005, Thursday, BC cycle, State and Regional, 501 words, By ELIZABETH WHITE, Associated Press Writer, CARSON CITY, Nev.
30. EDITORIAL: Voter responsibility, Las Vegas Review-Journal (Nevada), November 11, 2004 Thursday, FINAL EDITION, B, Pg. 8B, 360 words
41. Local polls largely problem-free, Las Vegas Review-Journal (Nevada), November 3, 2004 Wednesday, FINAL EDITION, A, Pg. 6A, 802 words, J.M. KALIL and RICHARD LAKE

#### New Hampshire:

New Hampshire is exempted from using provisional ballots.

##### New Hampshire Provisional Ballots

1. Proposed law would eliminate election day registration, The Associated Press State & Local Wire, February 9, 2005, Wednesday, BC cycle, State and Regional, 532 words, By ANNE SAUNDERS, Associated Press Writer, CONCORD, N.H.
6. Lawyers gear up for Nov. 2 battles, The Union Leader (Manchester NH), October 31, 2004 Sunday STATE EDITION, NEWS; Pg. A1, 1714 words, By SHAWNE K. WICKHAM Sunday News Staff

#### New Jersey:

## New Jersey Provisional Ballots

12. Is there more fraud in voters' future?; When Hudson clerk says so, N.J. should listen, The Record (Bergen County, NJ), March 14, 2005 Monday, All Editions, NEWS; CAPITAL GAMES; Pg. A03, 972 words, HERB JACKSON, North Jersey Media Group
21. Election foul-ups to rock New Jersey's vote?, The Record (Bergen County, NJ), January 24, 2005 Monday, All Editions, NEWS; CAPITAL GAMES; Pg. A01, 1282 words, HERB JACKSON, North Jersey Media Group
29. Students' ballots could get election tossed; Little Falls loser goes to court, The Record (Bergen County, NJ), December 16, 2004 Thursday, Two Star P Edition, LOCAL; Pg. L03, 607 words, By AMY L. KOVAC, SPECIAL TO THE RECORD, North Jersey Media Group
49. With Lawyers and Judges Watching, Election Day Challenges Are Light, New Jersey Law Journal, November 8, 2004, 1408 words, By Henry Gottlieb
77. Most voting glitches merely annoying; Missing registrations among top problems, The Record (Bergen County, NJ), November 3, 2004 Wednesday Correction Appended, All Editions, NEWS; Pg. A01, 1475 words, By AMY KLEIN, TOM DAVIS and BRIAN KLADKO, STAFF WRITERS, North Jersey Media Group
79. Election Day chaos is a national scandal, The Record (Bergen County, NJ), November 2, 2004 Tuesday, All Editions, OPINION; Pg. L13, 2150 words, E.J. DIONNE, Wire Services
80. Constitutional scholar expects 'chaos' at N.J. polls, The Record (Bergen County, NJ), November 1, 2004 Monday, All Editions, NEWS; Pg. A01, 891 words, By AMY KLEIN, STAFF WRITER, North Jersey Media Group
87. Voter rights guide available; Group gives advice on poll problems, Herald News (Passaic County, NJ), October 15, 2004 Friday, Early Edition, OUR TOWNS; Pg. B05, 455 words, By CHARLES AUSTIN, Special to the Herald News, North Jersey Media Group
94. No Smooth Sailing as New Jersey Implements Election Reform Act, New Jersey Law Journal, October 4, 2004, 969 words, By Charles Toutant
103. ID required of some primary voters; New law affects those registered since 2003, The Record (Bergen County, NJ), June 8, 2004 Tuesday, All Bergen Editions, LOCAL; Pg. L01, 305 words, By SHANNON D. HARRINGTON, STAFF WRITER, North Jersey Media Group

## New Mexico:

### New Mexico Provisional Ballots

MALDEF Press Release

<http://www.maldef.org/news/press.cfm?ID=238>

7. Gov. Signs Voting Standards Bill, Albuquerque Journal (New Mexico), April 7, 2005 Thursday, FINAL; Pg. C3, 424 words, Andy Lenderman Journal Politics Writer
12. Senate approves election reform bill, The Associated Press State & Local Wire, March 16, 2005, Wednesday, BC cycle, State and Regional, 487 words, By DEBORAH BAKER, Associated Press Writer, SANTA FE
16. Voter ID doesn't get to real election problems, Albuquerque Tribune (New Mexico), February 19, 2005 Saturday, WEEKEND; Pg. C1, 463 words
20. Governor reveals voter ID package, Albuquerque Tribune (New Mexico), February 15, 2005 Tuesday, EVENING; Pg. A1, 654 words, Shea Andersen

37. Voter ID Hot Issue, Albuquerque Journal (New Mexico), January 21, 2005 Friday, FINAL; Pg. A1, 679 words, Andy Lenderman Journal Politics Writer
73. We need clarity, but we don't need chaos, Albuquerque Tribune (New Mexico), December 2, 2004 Thursday, EVENING; Pg. C2, 465 words
86. GOVERNOR: ELECTION REFORM STILL NEEDED, The Santa Fe New Mexican (New Mexico), November 24, 2004 Wednesday, MAIN; Pg. A-1, 1032 words, STEVE TERRELL
99. Fiasco or not, vote counting is one piece of work, Albuquerque Tribune (New Mexico), November 13, 2004 Saturday, WEEKEND; Pg. A2, 614 words, Kate Nelson Commentary
129. Clerk Tossing 25% of Ballots, Albuquerque Journal (New Mexico), November 9, 2004 Tuesday, FINAL; Pg. A1, 791 words, Dan McKay and David Miles Journal Staff Writer
136. N.M. Voters Are Red With Embarrassment, Albuquerque Journal (New Mexico), November 8, 2004 Monday Correction Appended, FINAL; Pg. B8, 625 words, Leann Holt Journal Staff Writer
141. Indian Voters Not Protected, Albuquerque Journal (New Mexico), November 7, 2004 Sunday, JOURNAL SANTA FE; Pg. S1, 463 words
158. Provisional Ballots To Be Counted, Albuquerque Journal (New Mexico), November 5, 2004 Friday, RIO RANCHO JOURNAL; Pg. 1, 548 words, Joshua Akers Journal Staff Writer
200. Tuesday's voting troubles were of benign kind, Albuquerque Tribune (New Mexico), November 3, 2004 Wednesday, EVENING; Pg. A4, 933 words, Joline Gutierrez Krueger
243. Tips for Your Trip to the Polls, Albuquerque Journal (New Mexico), November 1, 2004 Monday, FINAL; Pg. A10, 275 words
244. Poll Workers Get Ready for Anything; Voting Tips, Albuquerque Journal (New Mexico), October 31, 2004 Sunday, FINAL; Pg. B1, 1522 words, Dan McKay Journal Staff Writer
248. Voter ID requirement causing new uproar, The Associated Press State & Local Wire, October 26, 2004, Tuesday, BC cycle, State and Regional, 729 words, By BARRY MASSEY, Associated Press Writer, SANTA FE
261. VOTER-ID RULE TOSSED; LAW STILL NEEDS WORK, The Santa Fe New Mexican (New Mexico), September 29, 2004 Wednesday, EDITORIALS; Pg. A-9, 625 words
268. COMMENTARY: MAKING SURE THE RIGHT VOTES COUNT, The Santa Fe New Mexican (New Mexico), September 26, 2004 Sunday, EDITORIALS; Pg. F-1, 853 words, INEZ RUSSELL

**New York:**

New York Provisional Ballots

7. WHOSE VOTE FRAUD?, The New York Post, February 27, 2005 Sunday, All Editions; Pg. 28, 618 words
8. Tackling Election Reform, The New York Times, February 22, 2005 Tuesday, Late Edition - Final, Section A; Column 1; Editorial Desk; Pg. 16, 514 words
9. When Elections Go Bad, The New York Times, February 13, 2005 Sunday, Late Edition - Final, Section 4; Column 1; Editorial Desk; Pg. 14, 461 words
10. Three months after Election Day, Spano is sworn in again as senator, The Associated Press State & Local Wire, February 9, 2005, Wednesday, BC cycle, State and Regional, 724 words, By JOEL STASHENKO, Associated Press Writer

46. Stalling the Vote, The New York Times, December 5, 2004 Sunday, Late Edition - Final, Section 14WC; Column 1; Westchester Weekly Desk; Pg. 19, 334 words
55. Improving Provisional Ballots, The New York Times, November 21, 2004 Sunday, Late Edition - Final, Section 4; Column 1; Editorial Desk; Pg. 12, 589 words
75. New Standards for Elections, The New York Times, November 7, 2004 Sunday, Late Edition - Final, Section 4; Column 1; Editorial Desk; Pg. 10, 1103 words
78. Fraudulent Voters Bused In, Westchester Republicans Say, The New York Times, November 5, 2004 Friday, Late Edition - Final, Section B; Column 5; Metropolitan Desk; Pg. 7, 567 words, By KIRK SEMPLE and JENNIFER MEDINA
131. What to Do on Election Day, The New York Times, November 1, 2004 Monday, Late Edition - Final, Section A; Column 1; Editorial Desk; Pg. 24, 541 words
141. A presidential election this way comes, The Times Union (Albany, New York), November 1, 2004 Monday, ONE STAR EDITION, MAIN; Pg. A9, 820 words, RENEE LOTH
150. Voter information for Election Day 2004, The Associated Press State & Local Wire, October 29, 2004, Friday, BC cycle, State and Regional; Political News, 565 words, By The Associated Press
161. Before You Vote, The New York Times, October 26, 2004 Tuesday, Late Edition - Final, Section G; Column 2; Voter Guide 2004; THE VOTING; Pg. 2, 175 words, By Katharine Q. Seelye

**North Carolina:**

North Carolina Provisional Ballots

Title: CNN.com - N. Carolina election fight drags on - Jun 6, 2005

<http://www.emailthis.clickability.com/et/emailThis?clickMap=viewThis&etMailToID=877131764&pt=Y>

North Carolina Provisional Ballots

6. DAVIS TO TAKE POST AS INTERIM HEAD OF SCHOOLS, Winston-Salem Journal (Winston Salem, NC), June 1, 2005 Wednesday, METRO EDITION, B; The Region; Pg. 2, 436 words, JOURNAL STAFF AND WIRE REPORT, RALEIGH
14. N.C. appeals court denies Fletcher stay in schools chief race, The Associated Press State & Local Wire, May 11, 2005, Wednesday, BC cycle, State and Regional, 358 words, By GARY D. ROBERTSON, Associated Press Writer, RALEIGH, N.C.
15. Fletcher shifts focus to Legislature in election dispute, The Associated Press State & Local Wire, May 11, 2005, Wednesday, BC cycle, State and Regional, 452 words, By GARY D. ROBERTSON, Associated Press Writer, RALEIGH, N.C.
24. Send in a superintendent, The News & Observer (Raleigh, North Carolina), May 9, 2005 Monday, Final Edition, EDITORIAL/OPINION; Pg. A10, 255 words
93. N.C. contest rules likely to become law, but picking winner could take time, The Associated Press State & Local Wire, February 24, 2005, Thursday, BC cycle, State and Regional, 735 words, By GARY D. ROBERTSON, Associated Press Writer, RALEIGH, N.C.
98. N.C. Senate approve bill to reaffirm counting key provisional ballots, The Associated Press State & Local Wire, February 22, 2005, Tuesday, BC cycle, State and Regional, 421 words, RALEIGH, N.C.
114. Provisional voting, The News & Observer (Raleigh, North Carolina), February 11, 2005 Friday, Final Edition, EDITORIAL/OPINION; Pg. A20, 264 words
142. N.C. Supreme Court takes on out-of-precinct ballot issue, The Associated Press State & Local Wire, January 18, 2005, Tuesday, BC cycle, State and Regional, 691 words, By GARY D. ROBERTSON,

024931

Associated Press Writer, RALEIGH, N.C.

149. Race enters ballot tiff; Groups assail discounting votes, The News & Observer (Raleigh, North Carolina), January 15, 2005 Saturday, Final Edition, NEWS; Pg. B5, 470 words, Lynn Bonner, Staff Writer

172. Not a perfect election, but no proof of fraud, The News & Observer (Raleigh, North Carolina), December 12, 2004 Sunday, Final Edition, QUESTION; Pg. A24, 735 words, James Rosen, Washington Bureau

185. CARTERET COUNTY TO VOTE AGAIN FOR AGRICULTURE POST N.C. ELECTIONS BOARD'S COMPROMISE MEANS TROXLER-COBB RACE WILL BE DECIDED ON JAN. 11, Winston-Salem Journal (Winston Salem, NC), December 1, 2004 Wednesday, METRO EDITION, B; Pg. 1, 759 words, By David Ingram JOURNAL RALEIGH BUREAU, RALEIGH

199. North Carolina's ballot blues, The News & Observer (Raleigh, North Carolina), November 26, 2004 Friday, Final Edition, EDITORIAL/OPINION; Point of View; Pg. A21, 579 words, Joyce McCloy

201. N.C. voting problems: 2004 edition, The News & Observer (Raleigh, North Carolina), November 22, 2004 Monday, Final Edition, NEWS; Pg. A7, 456 words

269. No identification, The News & Observer (Raleigh, North Carolina), November 4, 2004 Thursday, Final Edition, EDITORIAL/OPINION; Pg. A21, 119 words

304. Provisional ballots, The News & Observer (Raleigh, North Carolina), November 2, 2004 Tuesday, Final Edition, EDITORIAL/OPINION; Pg. A14, 154 words

305. Q&A: WHAT TO EXPECT AT POLLING PLACES, News & Record (Greensboro, NC), November 2, 2004 Tuesday ALL EDITIONS, 311 words, Mark Binker Staff Writer

310. Voters' Q&A, The News & Observer (Raleigh, North Carolina), October 30, 2004 Saturday, Final Edition, SPECIAL SECTIONS; Pg. H3, 365 words

311. A voter's guide to Election Day procedures, The Associated Press State & Local Wire, October 29, 2004, Friday, BC cycle, Political News, 730 words, RALEIGH, N.C.

#### **North Dakota:**

North Dakota is exempt from using provisional ballots because they do not require voter registration.

#### **Ohio:**

<http://www.ac4vr.com/reports/072005/default.html>

<http://a9.g.akamai.net/7/9/8082/v001/www.democrats.org/pdfs/ohvrireport/fullreport.pdf>

1. Validation of provisional ballots in Ohio is tedious process, The Associated Press State & Local Wire, November 10, 2004, Wednesday, BC cycle, State and Regional; Political News, 825 words, By CONNIE MABIN, Associated Press Writer, CLEVELAND

2. Summary box: Eyes on Ohio again as provisional ballots processed, The Associated Press State & Local Wire, November 10, 2004, Wednesday, BC cycle, State and Regional, 86 words, By The Associated Press

24. Provisional-ballot process starts today; Election workers seek to verify which of 155,337 count, Dayton Daily News (Ohio), November 4, 2004 Thursday, SPECIAL; Pg. AA2, 533 words, By Laura A. Bischoff

73. Plan to vote? What you should know, Plain Dealer (Cleveland), November 2, 2004 Tuesday, Final Edition; All Editions, NATIONAL; Pg. A2, 472 words, Grant Segall, Plain Dealer Reporter

80. Provisional ballots: the chads of 2004?, Plain Dealer (Cleveland), November 1, 2004 Monday, FINAL Edition; ALL Editions, NATIONAL; Pg. A1, 733 words, DIANE SUCHETKA, PLAIN DEALER REPORTER

82. VOTERS GUIDE, Columbus Dispatch (Ohio), October 31, 2004 Sunday, Home Final Edition, 395 words

123. ELECTION OFFICIALS HAPPY NOW THAT PROVISIONAL-BALLOT ISSUE IS PUT TO BED; Ohio GOP withdraws thousands of challenges to new registrants, Columbus Dispatch (Ohio), October 25, 2004 Monday, Home Final Edition, 1061 words, Mark Niquette, THE COLUMBUS DISPATCH

**Oklahoma:**

Oklahoma Provisional Ballots

1. Provisional ballots by state, The Associated Press State & Local Wire, March 18, 2005, Friday, BC cycle, State and Regional; Washington Dateline, 1306 words, By The Associated Press

23. It's nearly over, Tulsa World (Oklahoma), November 1, 2004 Monday, Final Home Edition, News, Elections; Focus; Pg. A17, 1359 words, ROBERT EVATT World Staff Writer

**Oregon:**

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Oregon Provisional Ballots

93. VOTING POSTMORTEM IN WASHINGTON, The Oregonian (Portland, Oregon), January 8, 2005 Saturday, SUNRISE EDITION, EDITORIAL; Pg. B06, 514 words

176. Republicans distance selves from vote-blocking attempt, The Associated Press State & Local Wire, November 1, 2004, Monday, BC cycle, State and Regional, 614 words, By JULIA SILVERMAN, Associated Press Writer, PORTLAND, Ore.

179. SOME IN COUNTY FAIL TO GET BALLOT, The Oregonian, October 29, 2004 Friday, SUNRISE EDITION, SOUTH ZONER; Pg. C02, 467 words, BRAD SCHMIDT - The Oregonian

**Pennsylvania:**

Pennsylvania Provisional Ballots

14. Few problems with paper ballots, Pittsburgh Tribune Review, May 18, 2005 Wednesday, 665 words, Andrew Conte

16. Panel to endorse earlier primary, easier absentee balloting, The Associated Press State & Local Wire, May 6, 2005, Friday, BC cycle, State and Regional, 728 words, By PETER JACKSON, Associated Press Writer, HARRISBURG, Pa.

20. Panel unveils repairs to voting problems, Pittsburgh Tribune Review, April 28, 2005 Thursday, 567 words, Glenn May

34. Poor training cited in election problems, Pittsburgh Tribune Review, December 16, 2004 Thursday, 292 words, Brandon Keat

52. More than half of state's provisional ballots rejected, The Evening Sun (Hanover, PA), December 6, 2004 Monday, STATE & REGION NEWS, 357 words

56. Group: County had most vote questions in U.S., Pittsburgh Tribune Review, December 1, 2004 Wednesday, 461 words, Glenn May

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words, Glenn May

71. Counting of provisional ballots still going on, INTELLIGENCER JOURNAL (LANCASTER, PA.), November 10, 2004, Wednesday, Pg. A-1, 831 words, Charles Lardner

73. FIXING ELECTIONS; LET'S VOTE TO END PROBLEMS AT THE POLLING PLACE, Pittsburgh Post-Gazette (Pennsylvania), November 8, 2004 Monday, SOONER EDITION, Pg.A-16, 415 words

107. Few problems reported in Pa. voting, The Associated Press State & Local Wire, November 3, 2004, Wednesday, BC cycle, Political News, 556 words, By DAVID B. CARUSO and MICHAEL RUBINKAM, Associated Press Writers, PHILADELPHIA

124. Shortfall of special ballots is glitch in county voting, Pittsburgh Tribune Review; November 3, 2004 Wednesday, 1105 words, Andrew Conte

127. Few substantial vote complaints in York, The York Dispatch (York, PA), November 3, 2004 Wednesday, TOP STORIES, 941 words, WENDI HIMMELRIGHT The York Dispatch

139. Voters, don't forget your licenses today, Pittsburgh Tribune Review; November 2, 2004 Tuesday, 1012 words, David M. Brown and Andy Conte

141. Voters: What you will need to know; Local officials are geared up to make this Election Day smooth., LANCASTER NEW ERA (LANCASTER, PA.), November 1, 2004, Monday, Pg. A-1, 436 words, Tom Murse

151. PROVISIONAL VOTES COULD ADD A NEW TWIST TO TUESDAY'S ELECTION, Pittsburgh Post-Gazette (Pennsylvania), October 29, 2004 Friday, SOONER EDITION, Pg.A-1, 850 words, Jerome L. Sherman, Pittsburgh Post-Gazette

157. LEAGUE OF WOMEN VOTERS GUIDE TO THE GENERAL ELECTION, NOVEMBER 2, 2004/POLLS WILL BE OPEN FROM 7 A.M. TO 8 P.M. ON ELECTION DAY, Pittsburgh Post-Gazette (Pennsylvania), October 26, 2004 Tuesday, SOONER EDITION, Pg.B-3, 558 words

175. Changes at the polls; From IDs to provisional ballots, this election should be more reliable than in 2000, INTELLIGENCER JOURNAL (LANCASTER, PA.), October 11, 2004, Monday, Pg. A-8,, 568 words

#### **Rhode Island:**

##### Rhode Island Provisional Ballots

18. CAMPAIGN 2004 - R.I. drops rule on voter IDs, The Providence Journal (Rhode Island), November 2, 2004 Tuesday, All Editions, NEWS; Pg. A-09, 564 words, BRUCE LANDIS, Journal Staff Writer

22. Here's what you should know when you go to vote, The Associated Press State & Local Wire, November 1, 2004, Monday, BC cycle, State and Regional, 493 words, PROVIDENCE, R.I.

28. Police charge two with voter fraud, The Providence Journal (Rhode Island), October 30, 2004 Saturday, All Editions, NEWS; Pg. A-03, 577 words, GINA MACRIS, Journal Staff Writer

51. Scary scenarios for upcoming elections, The Providence Journal (Rhode Island), August 27, 2004 Friday, All Editions, EDITORIAL; Pg. B-05, 936 words, M.J. Andersen

#### **South Carolina:**

##### South Carolina Provisional Ballots

73. Glitches thwart some S.C. voters, The Associated Press State & Local Wire, November 3, 2004, Wednesday, BC cycle, Political News, 728 words, By PAMELA HAMILTON, Associated Press Writer,

COLUMBIA, S.C.

78. What to know on Election Day, The Herald (Rock Hill, S.C.), November 1, 2004 Monday, FINAL EDITION, Pg. 2B, 352 words

83. Provisional ballots give registered voters a voice if denied at polls, The Herald (Rock Hill, S.C.), October 29, 2004 Friday, FINAL EDITION, Pg. 1B, 509 words, By Erica Pippins / The Herald

**South Dakota:**

South Dakota Provisional Ballots

Copyright 2004 Associated Press All Rights Reserved The Associated Press State & Local Wire  
November 2, 2004, Tuesday, BC cycle SECTION: Political News LENGTH: 421 words HEADLINE:  
Some problems and oddities reported on Election Day BYLINE: By CARSON WALKER, Associated  
Press Writer

**Tennessee:**

Tennessee Provisional Ballots

6. Not all votes yet count, Chattanooga Times Free Press (Tennessee), December 31, 2004 Friday, TIMES EDITORIAL; Pg. B6, 542 words

10. Bush won with a little 'counting' yet to go -- 1,610 affidavit ballots won't change the result, The Commercial Appeal (Memphis, TN), November 4, 2004 Thursday Final Edition, 385 words, Richard Thompson

20. Provisional voting raises issues, The Commercial Appeal (Memphis, TN), October 26, 2004 Tuesday Final Edition, 349 words, Richard Locker

26. Group warns of Florida-style election fiasco, Chattanooga Times Free Press (Tennessee), October 20, 2004 Wednesday, WIRE - POLITICS; Pg. A4, 481 words

**Texas:**

Texas Provisional Ballots

24. Connor chastises Harris County election official, The Associated Press State & Local Wire, November 5, 2004, Friday, BC cycle, Political News, 400 words, AUSTIN

48. VOTING WITH CONFIDENCE ; Few problems are reported at polling sites across nation, San Antonio Express-News (Texas), November 3, 2004, Wednesday, BULLDOG, Pg. 1A, 846 words, Joseph S. Stroud

52. New federal law calls for provisional ballots, The Associated Press State & Local Wire, November 1, 2004, Monday, BC cycle, Political News, 404 words, By KELLEY SHANNON, AP Political Writer, AUSTIN

57. Provisional ballots could bog down election count, Austin American-Statesman (Texas), October 29, 2004 Friday, NEWS; Pg. A6, 586 words, Julia Malone, WASHINGTON BUREAU

**Utah:**

Utah Provisional Ballots

1. Utah beats most states in counting provisional ballots, The Associated Press State & Local Wire, March 27, 2005, Sunday, BC cycle, State and Regional, 450 words, SALT LAKE CITY

3. Reformers eye next vote, Deseret Morning News (Salt Lake City), January 3, 2005 Monday, 997 words, Josh Loftin Deseret Morning News

5. Not every Utah voted counted, but more did than in 2000 ; Percentage improves: This time, only 13 of 1,000 votes were thrown out because of errors, Salt Lake Tribune (Utah), November 25, 2004, Thursday, Utah; Pg. C15, 850 words, Robert Gehrke , The Salt Lake Tribune

9. Every vote counts, Deseret Morning News (Salt Lake City), November 22, 2004 Monday, 372 words, Deseret Morning News editorial

22. Some tips for voters, Salt Lake Tribune (Utah), November 2, 2004, Tuesday, Utah; Pg. A1, 170 words

26. Be aware of changes in vote laws, Deseret Morning News (Salt Lake City), November 1, 2004 Monday, 643 words, Josh Loftin Deseret Morning News

**Vermont:**

No coverage of provisional voting in local newspapers.

**Virginia:**

Virginia Provisional Ballots

1. COUNTY MAN'S VOTE WON'T COUNT; HE SAYS HE REGISTERED; CHESTERFIELD REGISTRAR SAYS THERE'S NO PROOF, Richmond Times Dispatch (Virginia), June 16, 2005 Thursday, ONE STAR EDITION, AREA/STATE; Pg. B-6, 557 words, By Julian Walker Times-Dispatch Staff Writer

18. CLOSE VOTE SPOTLIGHTS SYSTEM'S LINGERING FLAWS, Roanoke Times & World News (Roanoke, VA), November 4, 2004 Thursday Metro Edition, 405 words

28. Before heading to polls, have ID to show and know where to go, The Virginian-Pilot(Norfolk, Va.), November 2, 2004 Tuesday; The Virginian-Pilot Edition, Pg. A1, 720 words, JOHN-HENRY DOUCETTE

30. A primer for Virginia voters in Tuesday's election, The Associated Press State & Local Wire, October 30, 2004, Saturday, BC cycle, State and Regional, 512 words, By The Associated Press

**Washington:**

Washington Provisional Ballots

6. Judge allows "proportional analysis" method in election challenge, The Associated Press State & Local Wire, May 2, 2005, Monday, BC cycle, State and Regional, 888 words, By REBECCA COOK, Associated Press Writer, WENATCHEE, Wash.

14. Logan: King County may never know number of illegal ballots, The Associated Press State & Local Wire, April 26, 2005, Tuesday, BC cycle, State and Regional, 818 words, By REBECCA COOK, Associated Press Writer, OLYMPIA, Wash.

100. Judge rules for Democrats, allows provisional ballot count, The Associated Press State & Local Wire, November 16, 2004, Tuesday, BC cycle, State and Regional, 550 words, SEATTLE

119. Election officials now feel impact of large turnout, The Associated Press State & Local Wire, November 3, 2004, Wednesday, BC cycle, Political News, 511 words, By TIM BOOTH, Associated Press Writer, SEATTLE

120. Army of lawyers, poll watchers mobilizes for Election Day, The Associated Press State & Local Wire, October 31, 2004, Sunday, BC cycle, State and Regional, 822 words, By REBECCA COOK, Associated Press Writer, SEATTLE

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#### West Virginia Provisional Ballots

20. Measure allows voters to ensure provisional ballots were counted, Charleston Gazette (West Virginia), November 6, 2004, Saturday, News; Pg. P6D, 905 words, Avery Johnson
30. Voters' help box, Charleston Gazette (West Virginia), November 2, 2004, Tuesday, News; Pg. PIC, 390 words
33. Information for voters on election day, The Associated Press State & Local Wire, October 29, 2004, Friday, BC cycle, Political News, 776 words, By The Associated Press

### Wisconsin:

#### Wisconsin Provisional Ballots

14. Reforming elections, Milwaukee Journal Sentinel (Wisconsin), November 14, 2004 Sunday, Final Edition, J Crossroads; Pg. 4, 555 words, STANFORD, Staff, Milwaukee Journal Sentinel
27. WHAT ARE PROVISIONAL BALLOTS?, Wisconsin State Journal (Madison, Wisconsin), November 3, 2004 Wednesday, FOURTH EDITION, FRONT; Pg. A9, 152 words
29. ELECTION 2004 All you need to know to make your vote count, Milwaukee Journal Sentinel (Wisconsin), November 2, 2004 Tuesday, Final Edition, B News; Pg. 1, 959 words, TOM KERTSCHER, Journal Sentinel, Milwaukee Journal Sentinel
30. Protect voter rights today, Milwaukee Journal Sentinel (Wisconsin), November 2, 2004 Tuesday, Final Edition, A News; Pg. 14, 730 words, STANFORD, Staff, Milwaukee Journal Sentinel
33. PROVISIONAL VOTES NOT SEEN AS PROBLEM, Wisconsin State Journal (Madison, Wisconsin), October 31, 2004 Sunday, ALL EDITION\_LOCAL/WISCONSIN; Pg. D2, 366 words, Elizabeth Wachowski Wisconsin State Journal
42. Provisional ballots will allow new voters without identification to vote, Milwaukee Journal Sentinel (Wisconsin), October 5, 2004 Tuesday, Final Edition, B News; Pg. 7, 373 words, MEG JONES, Journal Sentinel, Milwaukee Journal Sentinel

### Wyoming:

#### Wyoming Provisional Ballots

5. Trend: Less than half likely to vote in Wyoming primary, The Associated Press State & Local Wire, August 15, 2004, Sunday, BC cycle, State and Regional, 628 words, By ROBERT W. BLACK, Associated Press Writer, CHEYENNE, Wyo.

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<http://ltgov.state.ak.us/elections/>  
<http://www.azsos.gov/>  
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<http://www.state.de.us/election/>  
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<http://elections.state.wi.us/>  
<http://soswy.state.wy.us/election/election.htm>

Jeannie Layson/EAC/GOV  
12/11/2006 09:18 AM

To klynndyson@eac.gov  
cc dscott@eac.gov, bolu@eac.gov, ggilmour@eac.gov  
bcc  
Subject Brennan Center FOIA request

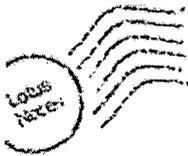
Karen,

I still do not have the RFPs we received for the voter fraud/ID project. I need that information ASAP. I this was a sole source contract and there were no other RFPs received, please indicate this in your reply. Please see language from original request below:

"In the event that the EAC denies my renewed request for the voter ID and voting fraud reports or delays another week in providing those materials, we respectfully request copies of (1) all requests for proposals and contracts relating to the voter ID and voting fraud reports; and (2) all written and electronic communications concerning the voter ID and voting fraud reports between the EAC and (a) the Eagleton Institute of Politics, (b) the Moritz College of Law, (c) Tova Wang, (d) Job Serebrov, and (e) any other individuals or entities, including but not limited to outside reviewers."

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
www.eac.gov

024940



Gracia Hillman/EAC/GOV  
03/16/2007 01:22 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC  
cc Jeannie Layson/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, rosemaryrod2003  
bcc Karen Lynn-Dyson/EAC/GOV  
Subject Re: Voter ID statement

History: This message has been replied to.

Why is it that Karen is not in the email loop on this circulation?

Sent from my BlackBerry Wireless Handheld  
Juliet E. Hodgkins  
----- Original Message -----

From: Juliet E. Hodgkins  
Sent: 03/16/2007 09:41 AM EDT  
To: Donetta Davidson; Gracia Hillman; Caroline Hunter;  
[REDACTED]  
Cc: Thomas Wilkey; Jeannie Layson  
Subject: Voter ID statement

Commissioners,

Attached below are two versions of the Voter ID statement. One shows the track changes and the other shows the document having accepted all of those changes (so that it would be easier to read). Jeannie and Tom have both taken a look at this document and we think that it captures what we discussed on Wednesday.

Please take a look and let me know if this meets with your understanding of what we discussed.

[attachment "Voter ID edited 31507- track changes.doc" deleted by Gracia Hillman/EAC/GOV]  
[attachment "Voter ID edited 31507- changes accepted.doc" deleted by Gracia Hillman/EAC/GOV]

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

Juliet E. Hodgkins/EAC/GOV  
03/16/2007 01:38 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc  
Subject Fw: Voter ID statement

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

— Forwarded by Juliet E. Hodgkins/EAC/GOV on 03/16/2007 01:36 PM —

Juliet E. Hodgkins/EAC/GOV  
03/16/2007 09:41 AM

To Donetta Davidson, Gracia Hillman, Caroline C.  
Hunter/EAC/GOV, Rosemary Rodriguez  
cc Thomas R. Wilkey/EAC/GOV@EAC, jlayson@eac.gov  
Subject Voter ID statement

Commissioners,

Attached below are two versions of the Voter ID statement. One shows the track changes and the other shows the document having accepted all of those changes (so that it would be easier to read). Jeannie and Tom have both taken a look at this document and we think that it captures what we discussed on Wednesday.

Please take a look and let me know if this meets with your understanding of what we discussed.



Voter ID edited 31507- track changes.doc Voter ID edited 31507- changes accepted.doc

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
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024942

## EAC Statement on Future Study of Voter Identification Requirements

### Background

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. In May 2005, EAC contracted with Rutgers, the State University of New Jersey through its Eagleton Institute of Politics ("Contractor") to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches.

The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. The contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election—November 2004. For example, the turnout rate in 2004 in states with a photo identification requirement was compared to the turnout rate in 2004 in states with a requirement that voters sign their name in order to receive a ballot. Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates<sup>1</sup> and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau.<sup>2</sup>

The Contractor presented testimony summarizing its findings from this statistical and data analysis at the February 8, 2007 public meeting of the U.S. Election Assistance Commission. The Contractor's testimony, its summary of voter identification requirements by State, its summary of court decisions and literature on voter identification and related issues, an annotated bibliography on voter identification issues and its summary of state statutes and regulations affecting voter identification are attached to this report and can also be found on EAC's website, [www.eac.gov](http://www.eac.gov).

**Deleted:** The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Using two sets of data—aggregate turnout data at the county level for each state, and reports of individual voters collected in the November 2004 Current Population Survey conducted by the U.S. Census Bureau—the Contractor arrived at a series of findings, conclusions and subsequent recommendations for further research into the topic.¶

### EAC Recommendations for further study and next steps

EAC finds the Contractor's summary of States' voter identification requirements and its summary of state laws, statutes, regulations and litigation surrounding the implementation of voter identification requirements, to be a first step in the Commission's efforts to study the possible impact of voter identification requirements.

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<sup>1</sup> The July 2004 estimates for voting age population were provided by the U.S. Census Bureau. Because these numbers include non-citizens, the Contractor reduced the numbers by the same percentage the U.S. Census Bureau estimated were non-citizens in 2000. Estimates of voting age population include persons who are not registered to vote.

<sup>2</sup> The Current Population Survey is based on reports from self-described registered voters who also describe themselves as U.S. citizens.

However, EAC has concerns regarding the data, analysis, and statistical methodology the Contractor used to analyze voter identification requirements to determine if these laws have an impact on turnout rates. The Contractor used a single election's statistics to conduct this analysis. The two sets of data came from the Census Bureau and included persons who were not eligible to and did not vote. The first analysis using averaged county-level turnout data from the U.S. Census showed no statistically significant correlations. So, a second analysis using a data set based upon the Current Population Survey (which was self-reported and showed a significantly higher turnout rate than other conventional data) was conducted that produced only some evidence of correlation between voter identification requirements and turnout. Furthermore, the initial categorization of voter identification requirements included classifications that actually require no identification at all, such as "state your name." The research methodology and the statistical analysis used by the Contractor were questioned by independent working and peer review groups comprised of social scientists and statisticians. The Contractor and the EAC agree that the report raises more questions than provides answers.<sup>3</sup> Thus, EAC will not adopt the Contractor's study and will not issue an EAC report based upon this study. EAC, however, is releasing the data and analysis conducted by Contractor.

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EAC will engage in a longer-term, more systematic review of voter identification requirements. Additional study on the topic will include more than one Federal election cycle, additional environmental and political factors that effect voter participation, and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

EAC will undertake the following activities:

- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states' requirements which require a voter to state this or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.
- Convene, by mid-2007, a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include methodology, specific issues to be

<sup>3</sup> See EAC Public Testimony, February 8, 2007, page 109.

covered in the study and timelines for completing an EAC study on voter identification.

- Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud, study the effects of voter identification provisions, or the lack thereof, on early, absentee and vote-by-mail voting. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender.
- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

DRAFT

## EAC Statement on Future Study of Voter Identification Requirements

### Background

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. In May 2005, EAC contracted with Rutgers, the State University of New Jersey through its Eagleton Institute of Politics ("Contractor") to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches.

The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. The contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election – November 2004. For example, the turnout rate in 2004 in states with a photo identification requirement was compared to the turnout rate in 2004 in states with a requirement that voters sign their name in order to receive a ballot. Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates<sup>1</sup> and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau.<sup>2</sup>

The Contractor presented testimony summarizing its findings from this statistical and data analysis at the February 8, 2007 public meeting of the U.S. Election Assistance Commission. The Contractor's testimony, its summary of voter identification requirements by State, its summary of court decisions and literature on voter identification and related issues, an annotated bibliography on voter identification issues and its summary of state statutes and regulations affecting voter identification are attached to this report and can also be found on EAC's website, [www.eac.gov](http://www.eac.gov).

### EAC Recommendations for further study and next steps

EAC finds the Contractor's summary of States' voter identification requirements and its summary of state laws, statutes, regulations and litigation surrounding the implementation of voter identification requirements, to be a first step in the Commission's efforts to study the possible impact of voter identification requirements.

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<sup>1</sup> The July 2004 estimates for voting age population were provided by the U.S. Census Bureau. Because these numbers include non-citizens, the Contractor reduced the numbers by the same percentage the U.S. Census Bureau estimated were non-citizens in 2000. Estimates of voting age population include persons who are not registered to vote.

<sup>2</sup> The Current Population Survey is based on reports from self-described registered voters who also describe themselves as U.S. citizens.

However, EAC has concerns regarding the data, analysis, and statistical methodology the Contractor used to analyze voter identification requirements to determine if these laws have an impact on turnout rates. The Contractor used a single election's statistics to conduct this analysis. The two sets of data came from the Census Bureau and included persons who were not eligible to and did not vote. The first analysis using averaged county-level turnout data from the U.S. Census showed no statistically significant correlations. So, a second analysis using a data set based upon the Current Population Survey (which was self-reported and showed a significantly higher turnout rate than other conventional data) was conducted that produced only some evidence of correlation between voter identification requirements and turnout. Furthermore, the initial categorization of voter identification requirements included classifications that actually require no identification at all, such as "state your name." The research methodology and the statistical analysis used by the Contractor were questioned by independent working and peer review groups comprised of social scientists and statisticians. The Contractor and the EAC agree that the report raises more questions than provides answers.<sup>3</sup> Thus, EAC will not adopt the Contractor's study and will not issue an EAC report based upon this study. EAC, however, is releasing the data and analysis conducted by Contractor.

EAC will engage in a longer-term, more systematic review of voter identification requirements. Additional study on the topic will include more than one Federal election cycle, additional environmental and political factors that effect voter participation, and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

EAC will undertake the following activities:

- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states' requirements which require a voter to state this or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.
- Convene, by mid-2007, a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include methodology, specific issues to be

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<sup>3</sup> See EAC Public Testimony, February 8, 2007, page 109.

covered in the study and timelines for completing an EAC study on voter identification.

- Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud, study the effects of voter identification provisions, or the lack thereof, on early, absentee and vote-by-mail voting. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender.
- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

DRAFT



"John Weingart"  
<Johnwein@rci.rutgers.edu>

03/16/2007 03:30 PM

Please respond to  
John.Weingart@rutgers.edu

To klynndyson@eac.gov

cc john.weingart@rutgers.edu, [REDACTED]  
twilkey@eac.gov, jhodgkins@eac.gov

bcc

Subject Re:Review of Voter ID Statement

History:

This message has been replied to.

Karen - I believe that both Tom and I had let you know to expect our comments today. In any case, they are attached. If they raise any questions, don't hesitate to contact me today at (609)397-8030 or next week at my office. Thanks, John

> John-

>

> EAC staff has asked when we can expect your approval of the statement  
> which I sent several days ago and asked for by COB today.

>

> As I am leaving the office early today, could you be certain that Tom  
> Wilkey and Julie Hodgkins are sent your response, as well as myself?

>

> Thanks

> Karen

>

>

>

> Karen Lynn-Dyson

> Research Director

> U.S. Election Assistance Commission

> 1225 New York Avenue , NW Suite 1100

> Washington, DC 20005

> tel:202-566-3123

>

--

John Weingart, Associate Director  
Eagleton Institute of Politics



(732) 932-9384, x.290 EACSummary31507a.doc

024949

## Deliberative Process Privilege

The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Drawing on its nationwide review and legal analysis of state statutes and regulations for voter identification, the Contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election- November 2004. For example, the turnout rate in 2004 in states that required the voter to provide an identify document<sup>1</sup> was compared to the turnout rate in 2004 in states with a requirement that voters give his or her name in order to receive a ballot. The Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates<sup>2</sup>, and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau<sup>3</sup>

**Comment [MSOffice1]:** Some states compare signatures. Our base case was giving name either orally or by signing without any attempt to verify the signature. "Give" is therefore a more precise word here than "sign"

### Footnotes:

1. In 2004, three of the states that authorized election officials to request photo identification allowed voters to provide a non-photo ID and still vote a regular ballot and two others permitted voters who lacked a photo ID to vote a regular ballot by swearing an affidavit.
2. The July 2004 estimates for voting age population were provided by the U.S. Census Bureau. Because these numbers include non-citizens, the Contractor reduced the numbers by the same percentage the U.S. Census Bureau estimated were non-citizens in 2000. Estimates of voting age population includes persons who are not registered to vote.
3. The Current Population Survey is based on reports from self-described registered voters who also describe themselves as U.S citizens.

---

1  
2  
3



"Rosemary Rodriguez"  
[REDACTED]

03/19/2007 10:56 AM

To jhodgkins@eac.gov, "Davidson, Donetta"  
<ddavidson@eac.gov>, ghillman@eac.gov,  
chunter@eac.gov  
cc twilkey@eac.gov, jlayson@eac.gov, klynndyson@eac.gov

bcc

Subject Re: Revised Voter ID statement with Eagleton comments to  
paragraph 2

Several thoughts on formatting:

Does the title of the document still work?

I still think that the two paragraphs, the one that precedes the Julie paragraph and the one that follows, should be set apart and titled "conclusion" or "finding" or something that recognizes it was the subject of an action by the EAC.

and then i ask if the title of the next section still works--do we make recommendations to ourselves?

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

From: "jhodgkins@eac.gov" <jhodgkins@eac.gov>

To: "Davidson, Donetta" <ddavidson@eac.gov>; ghillman@eac.gov; chunter@eac.gov;  
rosemaryrod2003@yahoo.com

Cc: twilkey@eac.gov; jlayson@eac.gov; klynndyson@eac.gov

Sent: Friday, March 16, 2007 4:27:32 PM

Subject: Revised Voter ID statement with Eagleton comments to paragraph 2

Since this morning, we have received Eagleton's comments to the draft language provided to them. I have highlighted their changes in yellow.

Again, two documents are provided below: one showing track changes and one showing those changes accepted.

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

---

Bored stiff? Loosen up...

Download and play hundreds of games for free on Yahoo! Games.

024951

Juliet E. Hodgkins/EAC/GOV  
03/16/2007 04:27 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, [REDACTED]  
cc Thomas R. Wilkey/EAC/GOV@EAC, jlayson@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC  
bcc

Subject Revised Voter ID statement with Eagleton comments to paragraph 2

Since this morning, we have received Eagleton's comments to the draft language provided to them. I have highlighted their changes in yellow.

Again, two documents are provided below: one showing track changes and one showing those changes accepted.



Voter ID edited 31507- track changes with Eagleton comments.doc



Voter ID edited 31507- changes accepted with Eagleton comments.doc

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

024952

## EAC Statement on Future Study of Voter Identification Requirements

### Background

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. In May 2005, EAC contracted with Rutgers, the State University of New Jersey through its Eagleton Institute of Politics ("Contractor") to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches.

The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Drawing on its nationwide review and legal analysis of state statutes and regulations for voter identification, the contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election – November 2004. For example, the turnout rate in 2004 in states that required the voter to provide a photo identification document<sup>1</sup> was compared to the turnout rate in 2004 in states with a requirement that voters give his or her name in order to receive a ballot. Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates<sup>2</sup> and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau.<sup>3</sup>

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The Contractor presented testimony summarizing its findings from this statistical and data analysis at the February 8, 2007 public meeting of the U.S. Election Assistance Commission. The Contractor's testimony, its summary of voter identification requirements by State, its summary of court decisions and literature on voter identification and related issues, an annotated bibliography on voter identification issues and its summary of state statutes and regulations affecting voter identification are attached to this report and can also be found on EAC's website, [www.eac.gov](http://www.eac.gov).

**Deleted:** The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Using two sets of data-- aggregate turnout data at the county level for each state, and reports of individual voters collected in the November 2004 Current Population Survey conducted by the U.S. Census Bureau-- the Contractor arrived at a series of findings, conclusions and subsequent recommendations for further research into the topic.¶

### EAC Recommendations for further study and next steps

<sup>1</sup> In 2004, three of the states that authorized election officials to request photo identification allowed voters to provide a non-photo ID and still vote a regular ballot and two others permitted voters who lacked photo ID to vote a regular ballot by swearing and affidavit.

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<sup>2</sup> The July 2004 estimates for voting age population were provided by the U.S. Census Bureau. Because these numbers include non-citizens, the Contractor reduced the numbers by the same percentage the U.S. Census Bureau estimated were non-citizens in 2000. Estimates of voting age population include persons who are not registered to vote.

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EAC finds the Contractor's summary of States' voter identification requirements and its summary of state laws, statutes, regulations and litigation surrounding the implementation of voter identification requirements, to be a first step in the Commission's efforts to study the possible impact of voter identification requirements.

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Deleted: based on the type of voter identification requirements

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Deleted:

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DRAFT

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### **EAC Recommendations for further study and next steps**

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EAC will undertake the following activities:

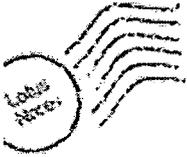
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---

<sup>4</sup> See EAC Public Testimony, February 8, 2007, page 109.

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DRAFT



Gracia Hillman/EAC/GOV

03/19/2007 03:58 PM

To Juliet E. Hodgkins/EAC/GOV@EAC

cc Caroline C. Hunter/EAC/GOV@EAC, "Davidson, Donetta"  
<ddavidson@eac.gov>, jlayson@eac.gov, Karen  
Lynn-Dyson/EAC/GOV@EAC,

bcc

Subject Re: Revised Voter ID statement with Eagleton comments to  
paragraph 2 

I think Comm Rodriguez makes a good point about the document needing a different title. Also, it is my understanding that Jeannie has not yet edited the draft and therefore has not yet considered layout, subtitles, typos, etc.

I have raised three concerns/questions in Footnotes 2 and 4 and in the bullet that address the working group meeting.

Lastly, I have lost track of where we are with consideration of releasing the full report. The draft document does not do that, however I thought there was a suggestion that we should consider releasing the full report?



Voter ID edited 31507- changes accepted with Eagleton comments.doc

024959

## EAC Statement on Future Study of Voter Identification Requirements

### Background

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Comment [GH1]: In footnote #2 regarding the estimate of non-citizens. Perhaps this could be clarified to say whether the % of non-citizens was in the VAP or of the US population as whole. It is not clear to me.

### EAC Recommendations for further study and next steps

<sup>1</sup> In 2004, three of the states that authorized election officials to request photo identification allowed voters to provide a non-photo ID and still vote a regular ballot and two others permitted voters who lacked photo ID to vote a regular ballot by swearing and affidavit.

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Comment [GH2]: There is no page 109 in the Eagleton testimony that was presented on 2/8/07 so I am not clear what document the public is being directed to see.

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- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

Comment [GH3]: Is it realistic that this meeting will be convened by June 30? Perhaps we should say "Convene in 2007, a working

DRAFT

Juliet E. Hodgkins/EAC/GOV  
03/20/2007 11:05 AM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc  
Subject I don't know the answer to this

Karen,

Please see the remaining comment from Commissioner Hillman in the text of the attached document. I don't know how to answer this. Please advise.



Voter ID edited 32007- changes accepted with Egleton comments.doc

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

024963

## EAC Study of Voter Identification Requirements

### Background

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. In May 2005, EAC contracted with Rutgers, the State University of New Jersey through its Eagleton Institute of Politics (“Contractor”) to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches.

The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Drawing on its nationwide review and legal analysis of state statutes and regulations for voter identification, the contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election – November 2004. For example, the turnout rate in 2004 in states that required the voter to provide a photo identification document<sup>1</sup> was compared to the turnout rate in 2004 in states with a requirement that voters give his or her name in order to receive a ballot. Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates<sup>2</sup> and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau.<sup>3</sup>

The Contractor presented testimony summarizing its findings from this statistical and data analysis at the February 8, 2007 public meeting of the U.S. Election Assistance Commission. The Contractor’s testimony, its summary of voter identification requirements by State, its summary of court decisions and literature on voter identification and related issues, an annotated bibliography on voter identification issues and its summary of state statutes and regulations affecting voter identification are attached to this report and can also be found on EAC’s website, [www.eac.gov](http://www.eac.gov).

Comment [GH1]: In footnote 2, regarding the estimate of non-citizens, perhaps this could be clarified to say whether the % of non-citizens was in the VAP or of the US population as whole. It is not clear to me.

### EAC Declines to Adopt Draft Report

EAC finds the Contractor’s summary of States’ voter identification requirements and its summary of state laws, statutes, regulations and litigation surrounding the

<sup>1</sup> In 2004, three of the states that authorized election officials to request photo identification allowed voters to provide a non-photo ID and still vote a regular ballot and two others permitted voters who lacked photo ID to vote a regular ballot by swearing and affidavit.

<sup>2</sup> The July 2004 estimates for voting age population were provided by the U.S. Census Bureau. Because these numbers include non-citizens, the Contractor reduced the numbers by the same percentage the U.S. Census Bureau estimated were non-citizens in 2000. Estimates of voting age population include persons who are not registered to vote.

<sup>3</sup> The Current Population Survey is based on reports from self-described registered voters who also describe themselves as U.S. citizens.

implementation of voter identification requirements, to be a first step in the Commission's efforts to study the possible impact of voter identification requirements.

However, EAC has concerns regarding the data, analysis, and statistical methodology the Contractor used to analyze voter identification requirements to determine if these laws have an impact on turnout rates. The Contractor used a single election's statistics to conduct this analysis. The two sets of data came from the Census Bureau and included persons who were not eligible to and did not vote. The first analysis using averaged county-level turnout data from the U.S. Census showed no statistically significant correlations. So, a second analysis using a data set based upon the Current Population Survey (which was self-reported and showed a significantly higher turnout rate than other conventional data) was conducted that produced only some evidence of correlation between voter identification requirements and turnout. Furthermore, the initial categorization of voter identification requirements included classifications that actually require no identification at all, such as "state your name." The research methodology and the statistical analysis used by the Contractor were questioned by independent working and peer review groups comprised of social scientists and statisticians. The Contractor and the EAC agree that the report raises more questions than provides answers.<sup>4</sup> Thus, EAC will not adopt the Contractor's study and will not issue an EAC report based upon this study. EAC, however, is releasing the data and analysis conducted by Contractor.

#### **Further EAC Study on Voter Identification Requirements**

EAC will engage in a longer-term, more systematic review of voter identification requirements. Additional study on the topic will include more than one Federal election cycle, additional environmental and political factors that effect voter participation, and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

EAC will undertake the following activities:

- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states' requirements which require a voter to state this or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.

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<sup>4</sup> See Transcript of EAC Public Meeting, February 8, 2007, page 109.

- In 2007, convene a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include methodology, specific issues to be covered in the study and timelines for completing an EAC study on voter identification.
- Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud, study the effects of voter identification provisions, or the lack thereof, on early, absentee and vote-by-mail voting. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender.
- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

DRAFT



"John Weingart"  
<john.weingart@rutgers.edu>  
03/20/2007 02:44 PM

To klynndyson@eac.gov  
cc jhodgkins@eac.gov, [REDACTED]  
twilkey@eac.gov, "Tim Vercellotti"  
<tim.vercellotti@rutgers.edu>

bcc

Subject Re: Review of Voter ID Statement

History: This message has been replied to.

Karen:

The estimate of citizens of voting-age population controls for the percentage of the voting-age population that might have been non-citizens in 2004. We calculated the citizens of voting-age population using the following approach (this is a direct quote from Appendix C to our final Voter Identification report to the EAC):

"In the aggregate data, determining the percentage of the voting-age population that has U.S. citizenship posed a methodological challenge. The Census Bureau gathers information on the citizenship status of adults ages 18 and older only during the decennial census. While the Census Bureau provides annual estimates of the population to account for changes between decennial censuses, the bureau does not offer estimates for the proportion of the adult population who are citizens as part of the annual estimates. To address this issue I estimated the 2004 citizen voting-age population for each county using a method reported in the analysis of the 2004 Election Day Survey conducted for the U.S. Election Assistance Commission (U.S. Election Assistance Commission, 2005). I calculated the percentage of the 2000 voting-age population who were citizens in 2000, and applied that percentage to the July 1, 2004 estimates for voting-age population in each county. In other words, I assumed that the percentage of the voting-age population that had U.S. citizenship in 2004 was similar to the percentage of the voting-age population who were citizens in 2000."

I hope this addresses the issue. If it doesn't, let us know and Tim Vercellotti or I will be happy to elaborate.

Thanks,

John

klynndyson@eac.gov wrote:

>  
> Quick question related to The Voting Age Population estimates used to  
> estimate/calculate turnout rates (see footnote 2 in the statement)-  
>  
> When taking into account noncitizens in the calculation were the  
> noncitizens considered as part of the VAP or as the population as a  
> whole?  
>  
>  
> Thanks for clarifying this for me.  
>  
> Regards-  
>  
>

024967

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

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

Rosemary E.  
Rodriguez/EAC/GOV  
03/21/2007 04:14 PM

To klynn-dyson@eac.gov  
cc  
bcc

Subject questions

History:  This message has been replied to.

Did the Commission ever meet with Eagleton and ask for an explanation of the methodology--would that have been appropriate?

Rosemary E. Rodriguez  
Commissioner  
United States Election Assistance Commission  
1225 New York Avenue, N.W.  
Suite 1100  
Washington, D.C. 20005  
Telephone: 202-566-3104  
Facsimile: 202-566-3127  
www.eac.gov  
rrodriguez@eac.gov

024969

Caroline C. Hunter/EAC/GOV  
03/21/2007 05:26 PM

To Juliet E. Hodgkins/EAC/GOV@EAC  
cc "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC, jlayson@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC, Rosemary E.  
bcc  
Subject Re: One more time 

Looks good to me.

Caroline C. Hunter  
Commissioner  
Election Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005  
(202) 566-3107  
chunter@eac.gov  
www.eac.gov

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV  
03/21/2007 05:02 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC  
cc jlayson@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC  
Subject One more time

I think that Karen and I have captured all of the changes that needed to be made including answering the question posed by Commissioner Hillman regarding footnote #2.

Please take one final look.



Voter ID edited 32107- with changed footnote.doc

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

024970

Caroline C. Hunter/EAC/GOV  
03/21/2007 05:26 PM

To Jeannie Layson/EAC/GOV@EAC  
cc Bryan Whitener/EAC/GOV@EAC, d davidson@eac.gov,  
ghillman@eac.gov, klyndyson@eac.gov, Rosemary E.  
Rodriguez/EAC/GOV@EAC, twilkey@eac.gov  
bcc  
Subject Re: FOR YOUR APPROVAL: VoterID Draft Press Release 

Please see attached.

Caroline C. Hunter  
Commissioner  
Election Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005  
(202) 566-3107  
chunter@eac.gov  
www.eac.gov

Jeannie  
Layson/EAC/GOV

03/21/2007 03:48 PM

To d davidson@eac.gov, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C.  
Hunter/EAC/GOV@EAC, ghillman@eac.gov  
cc twilkey@eac.gov, klyndyson@eac.gov, klyndyson@eac.gov, Bryan Whitener/EAC/GOV@EAC  
Subject FOR YOUR APPROVAL: VoterID Draft Press Release  
t

Commissioners,  
Attached is a draft press release about Commission actions surrounding the voter ID research. Please get your comments/edits back to me by Friday morning, and let me know if you have any questions. I will coordinate with Karen and Julie regarding its release, and tomorrow I will present you with a recommended strategy for the announcement of your decision. (Of course, it will not go out before the delivery of a related letter.)

024971

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100



[www.eac.gov](http://www.eac.gov) VoterIDPressReleaseDRAFT.doc VoterID release Hunter edits.doc

## EAC Study of Voter Identification Requirements

### Background

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. In May 2005, EAC contracted with Rutgers, the State University of New Jersey through its Eagleton Institute of Politics ("Contractor") to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches.

The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Drawing on its nationwide review and legal analysis of state statutes and regulations for voter identification, the contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election – November 2004. For example, the turnout rate in 2004 in states that required the voter to provide a photo identification document<sup>1</sup> was compared to the turnout rate in 2004 in states with a requirement that voters give his or her name in order to receive a ballot. Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates<sup>2</sup> and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau.<sup>3</sup>

The Contractor presented testimony summarizing its findings from this statistical and data analysis at the February 8, 2007 public meeting of the U.S. Election Assistance Commission. The Contractor's testimony, its summary of voter identification requirements by State, its summary of court decisions and literature on voter identification and related issues, an annotated bibliography on voter identification issues and its summary of state statutes and regulations affecting voter identification are attached to this report and can also be found on EAC's website, [www.eac.gov](http://www.eac.gov).

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---

<sup>1</sup> In 2004, three of the states that authorized election officials to request photo identification allowed voters to provide a non-photo ID and still vote a regular ballot and two others permitted voters who lacked photo ID to vote a regular ballot by swearing and affidavit.

<sup>2</sup> The July 2004 estimates for voting age population were provided by the U.S. Census Bureau. These data did not differentiate between citizens and non-citizens; because these numbers include non-citizens, the Contractor applied the percentage of citizens included in voting age population statistics in 2000 to the U.S. Census Bureau estimated voting age population in 2004. Thus, 2004 estimates of voting age population include persons who are not registered to vote.

<sup>3</sup> The Current Population Survey is based on reports from self-described registered voters who also describe themselves as U.S. citizens.

EAC finds the Contractor's summary of States' voter identification requirements and its summary of state laws, statutes, regulations and litigation surrounding the implementation of voter identification requirements, to be a first step in the Commission's efforts to study the possible impact of voter identification requirements.

However, EAC has concerns regarding the data, analysis, and statistical methodology the Contractor used to analyze voter identification requirements to determine if these laws have an impact on turnout rates. The Contractor used a single election's statistics to conduct this analysis. The two sets of data came from the Census Bureau and included persons who were not eligible to and did not vote. The first analysis using averaged county-level turnout data from the U.S. Census showed no statistically significant correlations. So, a second analysis using a data set based upon the Current Population Survey (which was self-reported and showed a significantly higher turnout rate than other conventional data) was conducted that produced only some evidence of correlation between voter identification requirements and turnout. Furthermore, the initial categorization of voter identification requirements included classifications that actually require no identification at all, such as "state your name." The research methodology and the statistical analysis used by the Contractor were questioned by independent working and peer review groups comprised of social scientists and statisticians. The Contractor and the EAC agree that the report raises more questions than provides answers.<sup>4</sup> Thus, EAC will not adopt the Contractor's study and will not issue an EAC report based upon this study. All of the material provided by the Contractor is attached.

#### **Further EAC Study on Voter Identification Requirements**

EAC will engage in a longer-term, more systematic review of voter identification requirements. Additional study on the topic will include more than one Federal election cycle, additional environmental and political factors that effect voter participation, and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

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- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.

---

<sup>4</sup> See Transcript of EAC Public Meeting, February 8, 2007, page 109.

- In 2007, convene a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include methodology, specific issues to be covered in the study and timelines for completing an EAC study on voter identification.
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- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

DRAFT



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

**Deliberative Process  
Privilege**

## **EAC to Launch Comprehensive Study of Voter ID Laws** *Releases Initial Research*

For Immediate Release  
March 23, 2007

Contact: Jeannie Layson  
Bryan Whitener  
(202) 566-3100

**WASHINGTON** – The U.S. Election Assistance Commission (EAC) has voted unanimously to launch a comprehensive, multi-year study focused on voter identification laws after concluding that researching only one election cycle was not sufficient to draw any conclusions. The Commission declined to issue a report based upon the initial research conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, but voted to make all of the research available. The information is available at [www.eac.gov](http://www.eac.gov).

“Many new voter identification laws have been enacted recently, and the Commission began working to determine the impact of these new laws,” said EAC Chair Donetta Davidson. “However, after careful consideration of the initial research conducted by our contractor, the Commission decided this important issue deserves a more in-depth research approach and that it should be examined beyond only one election cycle.”

EAC’s strategy for moving forward is based upon an examination of the initial research and the testimony and discussion about this research project at the Commission’s February 8, 2007 public meeting. For more information about the public meeting agenda, transcript, and testimony go to [http://www.eac.gov/Public\\_Meeting\\_020807.asp](http://www.eac.gov/Public_Meeting_020807.asp).

EAC’s future research on this topic will be expanded to include more than one election cycle, environmental and political factors, and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004. EAC comprehensive research approach will undertake the following activities:

- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states’ requirements which require a voter to state his or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.
- Convene a working group of advocates, academics, research methodologists and election officials to discuss EAC’s next study of voter identification. Topics to be discussed include methodology, specific issues to be covered in the study and timelines for completing an EAC study on voter identification.

024976

- Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud, study the effects of voter identification provisions, or the lack thereof, on early, absentee and vote-by-mail voting. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender.
- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

EAC is an independent bipartisan commission created by the Help America Vote Act of 2002 (HAVA). It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary Rodriguez, Caroline Hunter and Gracia Hillman.

###



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

**Deliberative Process  
 Privilege**

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For Immediate Release  
 March 23, 2007

Contact: Jeannie Layson  
 Bryan Whitener  
 (202) 566-3100

**Deleted:** Releases Initial Research

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- Convene a working group of advocates, academics, research methodologists and election officials to discuss EAC’s next study of voter identification. Topics to be discussed include methodology, specific issues to be covered in the study and timelines for completing an EAC study on voter identification.
- Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud, study the effects of voter identification

**Comment [C1]:** I would add some of the language from the other document on this topic that we already approved. The action we took was to not adopt the report due to our concerns but to release all info to the public – “The Contractor and the EAC agree that the report raises more questions than provides answers. Thus EAC will not adopt the Contractor’s study and will not issue an EAC report based upon this study. All of the material provided by the Contractor is attached.”

**Deleted:** issue a report based upon the initial research conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, but voted to make all of the research available.

**Comment [C2]:** A minor change was made in the other document to make this more clear.

provisions, or the lack thereof, on early, absentee and vote-by-mail voting. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender.

- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

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###

DRAFT

Jeannie Layson/EAC/GOV  
03/22/2007 10:59 AM

To ghillman@eac.gov  
cc klyndyson@eac.gov  
bcc  
Subject Project allotments

Commissioner,

Per your question about how much of the contract was actually spent on voter ID research vs provisional voting... I have yet to find the answer. I have reviewed the RFP and the invoices, but so far, it does not appear that these tasks were tracked separately. Karen and I continue to look into this, but I wanted to let you know what we've found so far.

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
[www.eac.gov](http://www.eac.gov)

024980



Gracia Hillman/EAC/GOV  
03/22/2007 03:29 PM

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

Subject Re: Project allotments

History: This message has been replied to.

How about if we ask Eagleton for an estimate of the percent of costs they would attribute to the Voter ID portion of the study?

That way we can say the Voter ID study cost approximately X dollars.  
(And deductively, the Prov Vote study cost X dollars.)

Sent from my BlackBerry Wireless Handheld  
Jeannie Layson  
----- Original Message -----

**From:** Jeannie Layson  
**Sent:** 03/22/2007 02:23 PM EDT  
**To:** Gracia Hillman  
**Cc:** Karen Lynn-Dyson  
**Subject:** Re: Project allotments

\$560,002

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
www.eac.gov  
Gracia Hillman/EAC/GOV



Gracia Hillman/EAC/GOV  
03/22/2007 01:17 PM

To Jeannie Layson/EAC/GOV@EAC  
cc Karen Lynn-Dyson/EAC/GOV@EAC  
Subject Re: Project allotments

What is the (total) dollar amount of the contract?

Sent from my BlackBerry Wireless Handheld

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

**From:** Jeannie Layson  
**Sent:** 03/22/2007 10:59 AM EDT  
**To:** Gracia Hillman  
**Cc:** Karen Lynn-Dyson

**Subject:** Project allotments

Commissioner,

Per your question about how much of the contract was actually spent on voter ID research vs provisional voting... I have yet to find the answer. I have reviewed the RFP and the invoices, but so far, it does not appear that these tasks were tracked separately. Karen and I continue to look into this, but I wanted to let you know what we've found so far.

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
[www.eac.gov](http://www.eac.gov)

024982

Jeannie Layson/EAC/GOV  
03/22/2007 05:57 PM

To: Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc  
Subject: Re: Project allotments 

I think so, but let's check w/Julie first to make sure that's appropriate.

-----  
Sent from my BlackBerry Wireless Handheld

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

**From:** Karen Lynn-Dyson  
**Sent:** 03/22/2007 05:38 PM EDT  
**To:** Jeannie Layson  
**Cc:** Gracia Hillman; Jeannie Layson  
**Subject:** Re: Project allotments

Jeannie-

Shall I go ahead and call John Weingart and ask him for an estimate of what they spent on each?

Happy to do so tomorrow.

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

Jeannie Layson/EAC/GOV

03/22/2007 05:10 PM

To: Gracia Hillman/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC  
cc: "Jeannie Layson" <jlayson@eac.gov>  
Subject: Re: Project allotments Link

024983

No, that has not been said publically. But in anticipation of it being asked, I want to make sure we have the facts straight.

-----  
Sent from my BlackBerry Wireless Handheld

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

**From:** Gracia Hillman  
**Sent:** 03/22/2007 05:06 PM EDT  
**To:** Karen Lynn-Dyson  
**Cc:** Jeannie Layson  
**Subject:** Re: Project allotments

Well, I certainly wouldn't want us to do anything inappropriate. And I don't know the regs and rules on what we can and cannot ask.

What do you suppose the problem might be with our asking that question?

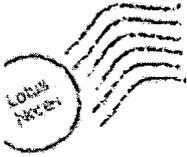
We received 2 distinct products and we find that it would be helpful for us to know what we spent on each effort. We aren't questioning their record keeping, we aren't asking them to reconstruct or research their records, we aren't asking them for an itemization, just an estimate.

The problem is that EAC is saying we spent 500 thou on the Voter ID study. That is wrong info. We need to stop saying that and I hope that has not been said publically, otherwise we need to correct the record ASAP.

And we also did not spend 500 thou on the Provisional Voting study. So, I guess we just have to say we spent 500 thou for both and when asked what we spent for one, we say we don't know. ??

-----  
Sent from my BlackBerry Wireless Handheld

024984



Gracia Hillman/EAC/GOV

03/22/2007 05:06 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc Jeannie Layson/EAC/GOV@EAC

bcc

Subject Re: Project allotments

Well, I certainly wouldn't want us to do anything inappropriate. And I don't know the regs and rules on what we can and cannot ask.

What do you suppose the problem might be with our asking that question?

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And we also did not spend 500 thou on the Provisional Voting study. So, I guess we just have to say we spent 500 thou for both and when asked what we spent for one, we say we don't know. ??

-----  
Sent from my BlackBerry Wireless Handheld

024985



Gracia Hillman/EAC/GOV

03/26/2007 05:02 PM

To Jeannie Layson/EAC/GOV@EAC

cc Caroline C. Hunter/EAC/GOV@EAC, Ddavidson@eac.gov,  
Juliet E. Hodgkins/EAC/GOV@EAC, klynndyson@eac.gov,  
rosemaryrod2003@yahoo.com, Thomas R.

bcc

Subject Re: FOR YOUR APPROVAL: VoterID Draft Press Release 

I agree that 2007-2009 can be described as multi-year however, I think that multi-year sounds like we will study 2006, 2008 and 2010, or something extravagant like that.

I think I would be more comfortable if we quantified the timeline so it doesn't sound like the study is open ended and that we are punting on this.



"Rosemary Rodriguez"  
[REDACTED]  
[REDACTED]

03/27/2007 02:20 PM

To jlayson@eac.gov, d davidson@eac.gov, chunter@eac.gov,  
ghillman@eac.gov, rrodriguez@eac.gov  
cc twilkey@eac.gov, klynndyson@eac.gov,  
jthompson@eac.gov, bwhitener@eac.gov, ekuala@eac.gov,  
[REDACTED], sbanks@eac.gov,  
bcc [REDACTED]

Subject Re: FOR YOUR APPROVAL: Voter ID PR and Roll Out  
Strategy

I think we should be prepared to answer a question that may go something like: *What are your specific objections/concerns with the methodologies utilized by Eagleton?*

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

From: "jlayson@eac.gov" <jlayson@eac.gov>  
To: d davidson@eac.gov; [REDACTED]; chunter@eac.gov; ghillman@eac.gov  
Cc: twilkey@eac.gov; klynndyson@eac.gov; jthompson@eac.gov; bwhitener@eac.gov;  
ekuala@eac.gov; [REDACTED]; sbanks@eac.gov; bbenavides@eac.gov  
Sent: Tuesday, March 27, 2007 2:02:01 PM  
Subject: FOR YOUR APPROVAL: Voter ID PR and Roll Out Strategy

Commissioners,

I have incorporated your edits, so please take a look at the latest drafts of both documents and let me know if you have further changes. I recommend making this public on Thursday. If possible, please let me know by the end of the day on Wed. if you have additional edits. Press release edits were made in the first two paragraphs, including backing off calling this a "multi-year study," and a more direct description of the action you took -- you declined to adopt the report. The only edit in the memo is new language in the Q&A that points out that the \$500K included work for both prov. voting and voter ID.

Thank you, and let me know if you have any questions.

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
www.eac.gov

---

8:00? 8:25? 8:40? Find a flick in no time  
with the Yahoo! Search movie showtime shortcut.

**Deliberative Process  
Privilege**

024987

Jeannie Layson/EAC/GOV  
03/27/2007 02:02 PM

To ddavidson@eac.gov, [REDACTED]  
Caroline C. Hunter/EAC/GOV@EAC, ghillman@eac.gov  
cc twilkey@eac.gov, klynndyson@eac.gov,  
jthompson@eac.gov, bwhitener@eac.gov, Elieen L.  
Kuala/EAC/GOV@EAC, s [REDACTED]  
bcc

Subject FOR YOUR APPROVAL: Voter ID PR and Roll Out Strategy

History:  This message has been replied to.

Commissioners,

I have incorporated your edits, so please take a look at the latest drafts of both documents and let me know if you have further changes. I recommend making this public on Thursday. If possible, please let me know by the end of the day on Wed. if you have additional edits. Press release edits were made in the first two paragraphs, including backing off calling this a "multi-year study," and a more direct description of the action you took -- you declined to adopt the report. The only edit in the memo is new language in the Q&A that points out that the \$500K included work for both prov. voting and voter ID.

Thank you, and let me know if you have any questions.

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100



www.eac.gov VoterIDRollOutProposal REV.doc VoterIDTallyVotePRDRAFT3-27.doc

024988



**March 27, 2007**

**MEMORANDUM**

**To:** Commissioners Davidson, Rodriguez, Hunter and Hillman  
**Fr:** Jeannie Layson  
**Cc:** Tom Wilkey, Julie Hodgkins, Karen Lynn-Dyson, Bryan Whitener  
**RE:** Communications Strategy for Release of Voter ID Tally Vote Results

In anticipation of the release of the results of the tally vote and all of the information provided by the contractor, I suggest taking the following steps to effectively communicate your decision. Taking this approach will help us control how the information is distributed, how it is framed, and how to focus the discussion on the positive outcome of your decision.

The bottom line is that we want to try our best to make this a story about EAC's decision to conduct a thorough and in-depth look into the subject of voter ID, and we have decided to release the preliminary research. We do not want this to evolve into a storyline about squabbling between EAC and Eagleton.

I have provided a suggested overall message that reflects the action taken, as well as questions we should be prepared to answer.

Please let me know if you have any questions about my proposal, and I look forward to your input.

024989

## **PRELIMINARY ACTIVITIES**

Prior to the completion of the tally vote and the subsequent release of the results and the contractor's materials, I suggest taking the following steps:

1. Discuss EAC's decision with the contractors in advance of distributing the press release and discussions with reporters so that they have an opportunity to respond and also so they will be well informed and prepared to discuss the facts with reporters or others who will most likely contact them.
2. Prior to release of EAC's decision, reach out to key Hill staffers who have been following this issue, including those members who have requested this data in the past. This should include staffers for the House Appropriations Committee Subcommittee on Financial Services and General Government since the Committee requested this information a few weeks ago. It should be made clear to committee staffers that the tally vote is the culmination of a directive made by the EAC chair in Feb. that the agency move forward to complete this project. These staffers should also be included on our list of key stakeholders.
3. Executive director should determine whether there are other key stakeholders that should be made aware of this decision from EAC personally, not from a press release. Possible candidates include members of Congress, NASS, individual secretaries of state, DOJ, and NASED.

## **PUBLIC ROLL-OUT**

Once the above preliminary steps have been completed, EAC Communications will:

1. Post the press release and the related data on the website, with a link from the home page.
2. Prior to release of the tally vote decision and related data, call Richard Whitt of USA Today, Will Lester of AP, Chris Drew of the NYT, and Zach Goldfarb of the WaPo and let them know we are about to release the information. Offer interviews with the chair or other commissioners.
3. Send the press release (with a link to the research) to all recipients in the media database. This includes national dailies, as well as wire services such as the Associated Press.
4. Send the press release (with a link to the research) to all recipients in the stakeholder database. The database consists of election officials, advocates, and other interested parties, including representatives from organizations who have been critical of EAC, including VoteTrust USA and the People for the American Way.

## **OVERALL MESSAGE**

Voter identification at the polling place is an important issue that affects voters in jurisdictions throughout the country. Understanding that this issue deserves a more in-depth approach, EAC has decided to move forward with a thorough, multi-year research project that will examine everything from turnout to voter education.

The findings of the preliminary research, which focused exclusively on the 2004 general elections, was insufficient to provide meaningful conclusions and raises more questions than provides answers. Future research will be expanded to include more than one election cycle and will examine environmental and political factors including, the many changes in state laws and regulations that have occurred since the 2004.

## **Q&A**

We should be prepared to answer the following questions:

### **Q: Why not release the draft fraud report, too?**

A: EAC issued a final Voting Fraud and Voter Intimidation Report in December 2006, which included recommendations adopted by the Commission to conduct a comprehensive assessment of all claims, charges and prosecutions of voting crimes.

In the case of the voter ID report, the Commission chose not to adopt a final report because it was determined that there was insufficient data to provide meaningful conclusions.

### **Q: You cited concerns with the contractor's methodology and analysis. Didn't your contract with Eagleton include specific language regarding these issues?**

A: Yes, but in retrospect, perhaps we could have done a better job articulating how we wanted this research to be conducted.

### **Q: During the course of the project, did you see draft reports? If so, why didn't these concerns get addressed at that time?**

A: We did receive progress reports, and when we identified areas of concern, we discussed it with the contractor. It was because of these concerns that EAC decided to revisit the methodologies used so that we could provide a more in-depth look at the subject matter.

### **Q: During the course of the contract, did you ever express these concerns with Eagleton?**

A: Yes, and as a result of these conversations, EAC decided to revisit the methodologies used so that we could provide a more in-depth look at the subject matter.

### **Q: You spent more than \$500,000 for a report the Commission doesn't think should be adopted – so basically you're flushing a lot of money down the drain. Is this a wise use of taxpayer dollars?**

A: There is value in what Eagleton provided, and this included work they did for us regarding provisional voting. As a result of the research on provisional voting, EAC

issued a set of best practices last fall. The voter ID data will help provide a baseline for how to move forward. And even though their research raised many questions, contemplating the answers to those questions has informed us on how to move forward.

**Q: If you were not satisfied with the final product, why did you pay for it?**

A: We adhered to the terms of the contract.

**Q: EAC received this data in June of last year. What has taken so long to bring it to a conclusion?**

A: This is an important issue, one that deserves careful deliberation and a thorough approach. Yes, we like to get things done quickly, but it is more important to take the time to get things right.

## **TRANSITION PHRASES**

To stay on message and avoid being dragged into discussions about anything other than the action taken, employ the following phrases and transition back to the overall message.

### ***Overall Message***

Voter identification at the polling place is an important issue that affects voters in jurisdictions throughout the country. Understanding that this issue deserves a more in-depth approach, EAC has decided to move forward with a thorough, multi-year research project that will examine everything from turnout to voter education.

The findings of the preliminary research, which focused exclusively on the 2004 general elections, were insufficient to provide meaningful conclusions and raises more questions than provides answers. Future research will be expanded to include more than one election cycle and will examine environmental and political factors, including the many changes in state laws and regulations that have occurred since 2004.

### ***Bridge/Transition Phrases***

- What's really important here...
- The bottom line is...
- The point is...
- We have a responsibility to...
- I'll let others speak to that, but let me tell you what's important to EAC...
- Everyone agrees that...



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

## EAC to Launch Comprehensive Study of Voter ID Laws

For Immediate Release  
DATE, 2007

Contact: Jeannie Layson  
Bryan Whitener  
(202) 566-3100

**WASHINGTON** – The U.S. Election Assistance Commission (EAC) has voted unanimously to launch a comprehensive study focused on voter identification laws. The initial research on voter identification laws are available at [www.eac.gov](http://www.eac.gov), but because this research focused exclusively on the 2004 general elections, included populations that are not eligible to vote, and did not take into account influential factors such as the competitiveness of campaigns, it was insufficient to provide meaningful conclusions and thus the Commission declined to adopt a report based on it.

“New voter identification laws have been enacted recently, and the Commission began working to determine the possible impact of these new laws,” said EAC Chair Donetta Davidson. “After careful consideration of the initial research conducted by our contractor, the Commission decided this important issue deserves a more in-depth research approach and that it should be examined beyond only one election cycle. The bottom line is that the research raises more questions than provides answers.

EAC’s strategy for moving forward is based upon an examination of the initial research and the testimony and discussion about this research project at the Commission’s February 8, 2007, public meeting. For more information about the public meeting agenda, transcript and testimony go to [http://www.eac.gov/Public\\_Meeting\\_020807.asp](http://www.eac.gov/Public_Meeting_020807.asp).

EAC’s future research on this topic will be expanded to include more than one election cycle and to examine environmental and political factors and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004. EAC’s comprehensive research approach will undertake the following activities:

- Convene a working group of advocates, academics, research methodologists and election officials to discuss EAC’s next study of voter identification. Topics to be discussed include methodology, specific issues to be covered in the study and timelines for completing an EAC study on voter identification.
- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states’ requirements that require a voter to state his or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identity.
- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information already collected as well as additional data from the states to develop this baseline.

024994

- Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures and fraud. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender. Study the effects of voter identification provisions, or the lack thereof, on early, absentee and vote-by-mail voting.
- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

EAC is an independent bipartisan commission created by the Help America Vote Act of 2002 (HAVA). It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary Rodriguez, Caroline Hunter and Gracia Hillman.

###

DRAFT

Jeannie Layson/EAC/GOV  
03/27/2007 03:08 PM

To: Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc  
Subject: Re: FOR YOUR APPROVAL: Voter ID PR and Roll Out Strategy

That would be awesome!

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
www.eac.gov  
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV  
03/27/2007 02:40 PM

To: Jeannie Layson/EAC/GOV@EAC  
cc  
Subject: Re: FOR YOUR APPROVAL: Voter ID PR and Roll Out Strategy

Let me know if you need language about our methodological concerns. Happy to help draft some

-----  
Sent from my BlackBerry Wireless Handheld

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

**From:** Jeannie Layson  
**Sent:** 03/27/2007 02:02 PM EDT  
**To:** Donetta Davidson; rosemaryrod2003@yahoo.com; Caroline Hunter; Gracia Hillman  
**Cc:** Thomas Wilkey; Karen Lynn-Dyson; Juliet Hodgkins; Bryan Whitener; Elieen Kuala; [REDACTED]; Sheila Banks; Bert Benavides  
**Subject:** FOR YOUR APPROVAL: Voter ID PR and Roll Out Strategy

Commissioners,

I have incorporated your edits, so please take a look at the latest drafts of both documents and let me know if you have further changes. I recommend making this public on Thursday. If possible, please let me know by the end of the day on Wed. if you have additional edits. Press release edits were made in the first two paragraphs, including backing off calling this a "multi-year study," and a more direct description of the action you took -- you declined to adopt the report. The only edit in the memo is new language in the Q&A that points out that the \$500K included work for both prov. voting and voter ID.

Thank you, and let me know if you have any questions.

**Deliberative Process  
Privilege**

024996

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
[www.eac.gov](http://www.eac.gov)

Juliet E. Hodgkins/EAC/GOV  
03/28/2007 06:19 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Thomas R. Wilkey/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, jlayson@eac.gov  
bcc

Subject Comments on Eagleton's response

Karen will present our discussion and conclusions tomorrow. However, when we left the briefing, I think everyone believed that I would provide comments since I will not be able to be on the phone. As such, I am transmitting my comments through this email. I will respond or address Eagleton's numbered paragraphs (note that there is no paragraph 4).

1. There is no need to address this as Eagleton agrees that they only reviewed one election's statistics. The statement of work for the contract told them to review the status of the law in 2004, but in no way limited their analysis to a single year.

2. I believe that Eagleton's issue here is one of semantics. They don't like the phraseology of this sentence. However, the sentence is true and is demonstrated by the sentence in paragraph 2 of the statement that they reviewed and to which they provided comments. That paragraph specifically contains the following information: "Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates(FN2) and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau.(FN3)" Eagleton made two sets of comments to Footnote 2, which is imbedded in the sentence that was just quoted. They explained their methodology in those comments and that methodology was captured in footnote 2. That footnote specifically contains the following sentences: "These data did not differentiate between citizens and non-citizens;... Thus, 2004 estimates of voting age population include person who are not registered to vote."

3. Eagleton objects to the use of the word "so" in the second sentence. They believe that this creates an inference that they only used the second set of data because the first did not show significant correlations. While generally speaking, I believe that this inference is at least partially true, since researchers are always searching for a set of data that will show a statistically significant correlation and will proceed to a different set of data if the first does not show it, it is not the intended inference of these two sentences. The point is to show that of the two data sets that they used one showed no significant correlation and the second showed some correlations (however not all variables showed correlation). And, that the second set of data -- the one that showed correlation was questionable because of the unusually high turnout rate that was reported. As such, we have agreed to remove the words "so" at the beginning of the second sentence and "only" in the middle of the second sentence -- see #9).

4. There is no number 4.

5. I believe that the statement as contained in the EAC statement is TRUE. Stating one's name is not an independently verifiable form of identification, and I think those are the forms of identification that we are talking about. I can walk into any polling place in the country and state the name of any person. Unless the poll worker knows me or knows the person whose name I have used, there is no way to independently verify whether my statement is true. Conversely, my signature can be compared, my address can be verified, or my driver's license can be scrutinized to determine if I am the person that I purport to be. While it is true that I identify myself on the phone or in person all the time by stating my name, it is not for the purpose of determining my eligibility to vote in a particular precinct, etc. I believe that when the term identification is used in the context of voting that it must mean that the voter provides some independently verifiable form of identification. Having said this, I understand that this may be a point of disagreement for others. But, as for me, this statement is true.

6. Based on conversations with Karen concerning the two groups-- one assembled by Eagleton and one assembled by EAC -- both "questioned" the methodology and statistical analysis employed by Eagleton.

024998

The group assembled by Eagleton was referred to by them in their report as their "peer review group." Karen feels that "working group" is not an accurate description of the group assembled by EAC, so she has language to use to replace "independent working group" that captures the essence of that group.

7. See response to #2, above.

8. See response to #1, above.

9. See response to #3, above.

10. See response to #6, above.

11. I believe that the Commission must act on this report. Merely stating what we will do in the future will not distance us from this work and will result in media and others quoting Eagleton's work as an "EAC" report. It has been my understanding that the consensus of the group is to "decline to adopt." I believe that this is the right action.

My flight departs at 9:20 a.m. (EDT) and I do not arrive until 12:15 p.m. (EDT). However, if you have questions concerning my comments, I will be around tonight and will be available tomorrow afternoon by Blackberry.

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

Jeannie Layson/EAC/GOV  
03/29/2007 11:54 AM

To dsmith@eac.gov  
cc twilkey@eac.gov, klynndyson@eac.gov,  
jthompson@eac.gov  
bcc  
Subject Fw: Statement for your review /edit

DeAnna,

Per Tom, please circulate the following docs for a tally vote. Thanks.

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
www.eac.gov

----- Forwarded by Jeannie Layson/EAC/GOV on 03/29/2007 11:55 AM -----  
Thomas R. Wilkey/EAC/GOV

03/29/2007 11:46 AM

To jlayson@eac.gov  
cc klynndyson@eac.com  
Subject Statement for your review /edit

Jeannie-

I'm sitting at Tom's desk -

Please edit and review the attached statements to send on to DeAnna for the Tally vote.

Thanks

Tom ( and K)

**Deliberative Process  
Privilege**

025000

Thomas R. Wilkey  
Executive Director  
US Election Assistance Commission  
1225 New York Ave, NW - Suite 1100  
Washington, DC 20005  
(202) 566-3109 phone



TWilkey@eac.gov memo to commissioners on voter id issue.doc Voter ID Statement329.doc



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

MEMORANDUM

**TO:** Commissioners Davidson, Hillman, Hunter, and Rodriguez

**FROM:** Thomas R. Wilkey  
Executive Director

**DATE:** March 29, 2007

**RE:** Draft Voter Identification Report, Research and Future Study of Voter Identification Requirements

In 2005, EAC contracted with the Eagleton Institute of Politics to conduct a study of the voter identification requirements that were in existence in the 50 states and 5 territories during the 2004 election. As a part of that study, Eagleton conducted research concerning the status of laws in the states and also conducted statistical analysis regarding the impact of the existence of voter identification requirements on the turnout of voters.

A draft statement capturing proposed action on the draft report as well as recommended next steps for research and analysis of voter identification requirements has been attached to this memorandum.

I recommend approval of this statement.

## **EAC Statement on Study of Voter Identification Requirements**

### **Background**

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. In May 2005, EAC contracted with Rutgers, the State University of New Jersey through its Eagleton Institute of Politics ("Contractor") to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches.

The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Drawing on its nationwide review and legal analysis of state statutes and regulations for voter identification, the contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election – November 2004. For example, the turnout rate in 2004 in states that required the voter to provide a photo identification document<sup>1</sup> was compared to the turnout rate in 2004 in states with a requirement that voters give his or her name in order to receive a ballot. Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates<sup>2</sup> and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau.<sup>3</sup>

The Contractor presented testimony summarizing its findings from this statistical and data analysis at the February 8, 2007 public meeting of the U.S. Election Assistance Commission. The Contractor's testimony, its summary of voter identification requirements by State, its summary of court decisions and literature on voter identification and related issues, an annotated bibliography on voter identification issues and its summary of state statutes and regulations affecting voter identification are attached to this report and can also be found on EAC's website, [www.eac.gov](http://www.eac.gov).

### **EAC Declines to Adopt Draft Report**

---

<sup>1</sup> In 2004, three of the states that authorized election officials to request photo identification allowed voters to provide a non-photo ID and still vote a regular ballot and two others permitted voters who lacked photo ID to vote a regular ballot by swearing and affidavit.

<sup>2</sup> The July 2004 estimates for voting age population were provided by the U.S. Census Bureau. These data did not differentiate between citizens and non-citizens; because these numbers include non-citizens, the Contractor applied the percentage of citizens included in voting age population statistics in 2000 to the U.S. Census Bureau estimated voting age population in 2004. Thus, 2004 estimates of voting age population include persons who are not registered to vote.

<sup>3</sup> The Current Population Survey is based on reports from self-described registered voters who also describe themselves as U.S. citizens.

EAC finds the Contractor's summary of States' voter identification requirements and its summary of state laws, statutes, regulations and litigation surrounding the implementation of voter identification requirements, to be a first step in the Commission's efforts to study the possible impact of voter identification requirements.

However, EAC has concerns regarding the data, analysis, and statistical methodology the Contractor used to analyze voter identification requirements to determine if these laws have an impact on turnout rates. The study only focused on one federal election. An analysis using averaged county-level turnout data from the U.S. Census showed no statistically significant correlations. A second analysis using a data set based upon the Current Population Survey (which was self-reported and showed a significantly higher turnout rate than other conventional data) was conducted that produced some evidence of correlation between voter identification requirements and turnout. The initial categorization of voter identification requirements included classifications that, actually, require no identification documentation, such as "state your name." The research methodology and the statistical analysis used by the Contractor were questioned by an EAC review group comprised of social scientists and statisticians. The Contractor and the EAC agree that the report raises more questions than provides answers and both agree the study should have covered more than one federal election.<sup>4</sup> Thus, EAC will not adopt the Contractor's study and will not issue an EAC report based upon this study. All of the material provided by the Contractor is attached.

#### **Further EAC Study on Voter Identification Requirements**

EAC will engage in a longer-term, more systematic review of voter identification requirements. Additional study on the topic will include more than one Federal election cycle, additional environmental and political factors that effect voter participation, and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

EAC will undertake the following activities:

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<sup>4</sup> See Transcript of EAC Public Meeting, February 8, 2007, page 109.

- In 2007, convene a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include methodology, specific issues to be covered in the study and timelines for completing an EAC study on voter identification.
- Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender. Study the effects of voter identification provisions, or the lack thereof, on early, absentee and vote-by-mail voting.
- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

DRAFT

Jeannie Layson/EAC/GOV  
03/29/2007 12:50 PM

To d davidson@eac.gov, [REDACTED]  
Caroline C. Hunter/EAC/GOV@EAC, ghillman@eac.gov  
cc twilkey@eac.gov, klynndyson@eac.gov,  
jthompson@eac.gov, Elieen L. Kuala/EAC/GOV@EAC,  
[REDACTED], sbanks@eac.gov, Bert A.  
bcc

Subject FOR YOUR APPROVAL: VoterID press release and Q&A

Commissioners,

Based upon the revised tally vote language, I have made edits to the press release and to the Q&A. Please let me know if you have any edits. I plan to release this tomorrow if the tally vote is completed by then. Also, please pay special attention to the following answer I have composed, which is in the Q&A document. I will notify you before issuing the press release.

**Q: What are your specific objections/concerns with the methodologies utilized by Eagleton?**

A: First of all, we agree with the contractor that we should examine more than one federal election. Regarding the methodologies, the contractor conducted two analyses that had different outcomes. The first analysis showed no statistically significant correlations. The second analysis, based on statistics from the Current Population Survey, showed some evidence of a correlation. Also, the categorization of voter identification requirements included classifications that do not require identification documentation, such as "state your name." The bottom line is that the research produced more questions than answers, and that's why EAC is expanding its efforts to examine this important issue.

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100



www.eac.gov EAGLETONQ&A.doc VoterID release 3-30-07.doc

## **OVERALL MESSAGE**

Voter identification at the polling place is an important issue that affects voters in jurisdictions throughout the country. Understanding that this issue deserves a more in-depth approach, EAC has decided to move forward with a thorough, multi-year research project that will examine everything from turnout to voter education.

The preliminary research focused exclusively on the 2004 election, was insufficient to provide meaningful conclusions and raises more questions than provides answers. Future research will be expanded to include more than one election cycle and will examine environmental and political factors including, the many changes in state laws and regulations that have occurred since the 2004.

## **Q&A**

**Q: Why not release the draft fraud report, too?**

A: EAC issued a final Voting Fraud and Voter Intimidation Report in December 2006, which included recommendations adopted by the Commission to conduct a comprehensive assessment of all claims, charges and prosecutions of voting crimes.

In the case of the voter ID report, the Commission chose not to adopt a final report because it was determined that there was insufficient data to provide meaningful conclusions.

**Q: You cited concerns with the contractor's methodology and analysis. Didn't your contract with Eagleton include specific language regarding these issues?**

A: Yes, but in retrospect, perhaps we could have done a better job articulating how we wanted this research to be conducted.

**Q: What are your specific objections/concerns with the methodologies utilized by Eagleton?**

A: First of all, we agree with the contractor that we should examine more than one federal election. Regarding the methodologies, the contractor conducted two analyses that had different outcomes. The first analysis showed no statistically significant correlations. The second analysis, based on statistics from the Current Population Survey, showed some evidence of a correlation. Also, the categorization of voter identification requirements included classifications that do not require identification documentation, such as "state your name." The bottom line is that the research produced more questions than answers, and that's why EAC is expanding its efforts to examine this important issue.

**Q: During the course of the project, did you see draft reports? If so, why didn't these concerns get addressed at that time?**

A: We did receive progress reports, and when we identified areas of concern, we discussed it with the contractor. It was because of these concerns that EAC decided to revisit the methodologies used so that we could provide a more in-depth look at the subject matter.

**Q: During the course of the contract, did you ever express these concerns with Eagleton?**

A: Yes, and as a result of these conversations, EAC decided to revisit the methodologies used so that we could provide a more in-depth look at the subject matter.

**Q: You spent more than \$500,000 for a report the Commission doesn't think should be adopted – so basically you're flushing a lot of money down the drain. Is this a wise use of taxpayer dollars?**

A: There is value in what Eagleton provided, and this included work they did for us regarding provisional voting. As a result of the research on provisional voting, EAC issued a set of best practices last fall. The voter ID data will help provide a baseline for how to move forward. And even though their research raised many questions, contemplating the answers to those questions has informed us on how to move forward.

**Q: If you were not satisfied with the final product, why did you pay for it?**

A: We adhered to the terms of the contract.

**Q: EAC received this data in June of last year. What has taken so long to bring it to a conclusion?**

A: This is an important issue, one that deserves careful deliberation and a thorough approach. Yes, we like to get things done quickly, but it is more important to take the time to get things right.

## **TRANSITION PHRASES**

To stay on message and avoid being dragged into discussions about anything other than the action taken, employ the following phrases and transition back to the overall message.

### ***Overall Message***

Voter identification at the polling place is an important issue that affects voters in jurisdictions throughout the country. Understanding that this issue deserves a more in-depth approach, EAC has decided to move forward with a thorough, multi-year research project that will examine everything from turnout to voter education.

The preliminary research focused exclusively on the 2004 election, was insufficient to provide meaningful conclusions and raises more questions than provides answers. Future research will be expanded to include more than one election cycle and will examine environmental and political factors including, the many changes in state laws and regulations that have occurred since the 2004.

### ***Bridge/Transition Phrases***

- What's really important here...
- We are focused on moving forward, not going back...
- The bottom line is...
- The point is...
- We have a responsibility to...
- I'll let others speak to that, but let me tell you what's important to EAC...
- Everyone agrees that...



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

## **EAC to Launch Comprehensive Study of Voter ID Laws**

For Immediate Release  
March 30, 2007

Contact: Jeannie Layson  
Bryan Whitener  
(202) 566-3100

**WASHINGTON** – The U.S. Election Assistance Commission (EAC) has voted unanimously to launch a comprehensive study focused on voter identification laws after concluding that initial research focusing on only one election cycle was not sufficient to draw any conclusions. The Commission declined to adopt the report, but is releasing all of the data to the public. The information is available at [www.eac.gov](http://www.eac.gov), and the Commission's statement regarding its decision is attached.

“After careful consideration of the initial research, the Commission decided this important issue deserves a more in-depth research approach, and that it should be examined beyond only one election cycle,” said EAC Chair Donetta Davidson. “The Commission and our contractor agree that the research raises more questions than provides answers.”

EAC's strategy for moving forward is based upon an examination of the initial research and the testimony and discussion about this research project at the Commission's February 8, 2007 public meeting. For more information about the public meeting, including the agenda, transcript, and testimony go to [http://www.eac.gov/Public\\_Meeting\\_020807.asp](http://www.eac.gov/Public_Meeting_020807.asp).

EAC's future research on this topic will be expanded to include more than one federal election, environmental and political factors, and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004. EAC's comprehensive research approach will undertake the following activities:

- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements.
- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.
- In 2007, convene a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification.
- Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud.

- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements.

EAC is an independent bipartisan commission created by the Help America Vote Act of 2002 (HAVA). It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary Rodriguez, Caroline Hunter and Gracia Hillman.

###

DRAFT

# EAC Statement on Study of Voter Identification Requirements

## Background

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. In May 2005, EAC contracted with Rutgers, the State University of New Jersey through its Eagleton Institute of Politics (“Contractor”) to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches.

The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Drawing on its nationwide review and legal analysis of state statutes and regulations for voter identification, the contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election – November 2004. For example, the turnout rate in 2004 in states that required the voter to provide a photo identification document<sup>1</sup> was compared to the turnout rate in 2004 in states with a requirement that voters give his or her name in order to receive a ballot. Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates<sup>2</sup> and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau.<sup>3</sup>

The Contractor presented testimony summarizing its findings from this statistical and data analysis at the February 8, 2007 public meeting of the U.S. Election Assistance Commission. The Contractor’s testimony, its summary of voter identification requirements by State, its summary of court decisions and literature on voter identification and related issues, an annotated bibliography on voter identification issues and its summary of state statutes and regulations affecting voter identification are attached to this report and can also be found on EAC’s website, [www.eac.gov](http://www.eac.gov).

## EAC Declines to Adopt Draft Report

EAC finds the Contractor’s summary of States’ voter identification requirements and its summary of state laws, statutes, regulations and litigation surrounding the implementation of voter identification requirements, to be a first step in the Commission’s efforts to study the possible impact of voter identification requirements.

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<sup>1</sup> In 2004, three of the states that authorized election officials to request photo identification allowed voters to provide a non-photo ID and still vote a regular ballot and two others permitted voters who lacked photo ID to vote a regular ballot by swearing and affidavit.

<sup>2</sup> The July 2004 estimates for voting age population were provided by the U.S. Census Bureau. These data did not differentiate between citizens and non-citizens; because these numbers include non-citizens, the Contractor applied the percentage of citizens included in voting age population statistics in 2000 to the U.S. Census Bureau estimated voting age population in 2004. Thus, 2004 estimates of voting age population include persons who are not registered to vote.

<sup>3</sup> The Current Population Survey is based on reports from self-described registered voters who also describe themselves as U.S. citizens.

However, EAC has concerns regarding the data, analysis, and statistical methodology the Contractor used to analyze voter identification requirements to determine if these laws have an impact on turnout rates. The study only focused on one federal election. An analysis using averaged county-level turnout data from the U.S. Census showed no statistically significant correlations. A second analysis using a data set based upon the Current Population Survey (which was self-reported and showed a significantly higher turnout rate than other conventional data) was conducted that produced some evidence of correlation between voter identification requirements and turnout. The initial categorization of voter identification requirements included classifications that, actually, require no identification documentation, such as "state your name." The research methodology and the statistical analysis used by the Contractor were questioned by an EAC review group comprised of social scientists and statisticians. The Contractor and the EAC agree that the report raises more questions than provides answers and both agree the study should have covered more than one federal election.<sup>4</sup> Thus, EAC will not adopt the Contractor's study and will not issue an EAC report based upon this study. All of the material provided by the Contractor is attached.

### **Further EAC Study on Voter Identification Requirements**

EAC will engage in a longer-term, more systematic review of voter identification requirements. Additional study on the topic will include more than one Federal election cycle, additional environmental and political factors that effect voter participation, and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

EAC will undertake the following activities:

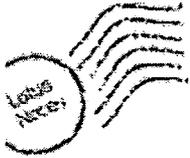
- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states' requirements which require a voter to state his or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
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DRAFT



Gracia Hillman/EAC/GOV

03/29/2007 04:10 PM

To Jeannie Layson/EAC/GOV@EAC

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rrodriguez@eac.gov, jthompson@eac.gov,  
klynndyson@eac.gov, twilkey@eac.gov

bcc

Subject Re: FOR YOUR APPROVAL: VoterID press release and  
Q&A 

I offer edits to the release (see attached).. My one question is, despite the fact that we are not adopting the report, will the contractor be further offended that we did not name them in the release as having conducted the study??

I have run out of time today to look at the Q&A. I will try to respond by tomorrow morning but don't know if I can.



VoterID release 3-30-07.doc

**Deliberative Process  
Privilege**

025015



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

Deliberative Process  
Privilege

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For Immediate Release  
March 30, 2007

Contact: Jeannie Layson  
Bryan Whitener  
(202) 566-3100

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DRAFT

Jeannie Layson/EAC/GOV  
03/30/2007 02:04 PM

To ddavidson@eac.gov, Rosemary E.  
Rodriguez/EAC/GOV@EAC, Caroline C.  
Hunter/EAC/GOV@EAC, ghillman@eac.gov  
cc twilkey@eac.gov, klynndyson@eac.gov,  
jthompson@eac.gov

bcc

Subject Voter ID update

Commissioners,

The press release, the statement, and the draft report has been posted on our site. The press release is being distributed, and is on the way to all of you and the entire EAC staff. The following activities have occurred:

1. Press release was sent in advance to Eagleton.
2. I called Wendy Weiser of the Brennan Center and sent her the info.
3. I called and sent the info to Ray M. and Paul D.
4. I sent the info to Tom Hicks and Adam A.
5. Tom called Dan Tokaji, Dan Oak, and Rep. Hinchey's office.
6. Karen gave the three EAC experts a heads up.
7. Comm. Rodriguez was interviewed by NPR (the only outlet that showed any interest), as was Eagleton. Eagleton told NPR they are glad we are expanding the scope. Interview will run on affiliates today at approximately 5:44 pm EST.
8. I offered interviews to USA Today, WaPo, NYT, and AP but none were interested.
9. I have kept Eagleton apprised of our activities.

I'll continue to keep you apprised as the day goes on, and please let me know if there's anyone else you'd like me to contact.

Jeannie Layson  
U.S. Election Assistance Commission  
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Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
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 CIRO RODRIGUEZ, TEXAS

**Congress of the United States**  
**House of Representatives**  
**Committee on Appropriations**  
**Washington, DC 20515-6015**

April 17, 2007

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CLERK AND STAFF DIRECTOR  
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The Honorable Donetta Davidson  
 Chair  
 United States Election Assistance Commission  
 1225 New York Avenue Northwest, Suite 1100  
 Washington, DC 20005

Dear Chairwoman Davidson:

I am writing to urge the Election Assistance Commission to publicly release the full draft version of its commissioned report on provisional voting. Given the concern by members of this subcommittee, as well as other members of Congress, over the issue of transparency at the EAC, I believe that it is in the best interest of the taxpayers that they be able to see the full draft report on this topic.

As you know, the EAC commissioned a report from the Eagleton Institute of Politics at Rutgers on both voter identification and provisional voting. At some point, these two reports were split from one another. On March 30, 2007, the EAC released the draft report on voter identification, entitled "Best Practices to Improve Voter Identification Requirements."

I was pleased with the positive precedent set by the EAC with the release of the draft report on voter identification. Although I was disappointed that the Commission did not endorse the results of the study, I strongly believe that releasing the full draft helped dispel concerns of transparency and partisanship, and allowed the public at large to help identify areas that need more in depth review. I also believe that you have made the right decision in asking the Inspector General to conduct a review of the Commission's contracting procedures with respect to recent reports. I am hopeful that the review will conclude that greater openness and transparency is of utmost importance.

Given your request to the Inspector General and the recent controversies over the release of the draft voter identification report, as well as the draft voter fraud and intimidation report, it would

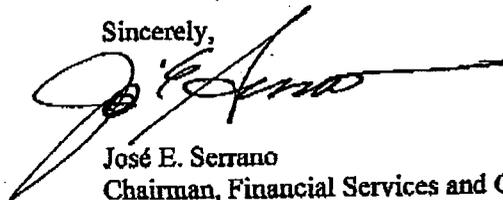
Page 2  
April 17, 2007

be in the best interest of the Commission to release the draft report on provisional voting. Releasing the full draft version of this report would help to ensure that the EAC remains a transparent organization and dispel concerns that the Commission has been acting in a partisan manner.

Should the Commission decide not to release the draft report, I would then request an update as to the status of this report, a timeline for its release, as well as any compelling reasons as to why the EAC should deviate from the precedent you have now set. The public deserves the opportunity to decide whether the report is both rigorous and accurate.

As I mentioned in the hearing we held just over a month ago, I strongly believe that the EAC will be one of the most important government entities in the run up to the 2008 elections. It is of vital importance that we ensure that the EAC remains, in appearance and in fact, a bipartisan, independent agency- so that voters and election administrators across the country can trust its efforts to ensure that federal elections are safe, secure, accurate, and fair. Releasing the provisional voting report would go a long way towards that goal, and I look forward to your response.

Sincerely,



José E. Serrano  
Chairman, Financial Services and General  
Government Appropriations Subcommittee

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