2. How effective is the ID requirement in increasing the security of the ballot? How well can it be coordinated with a statewide voter database?[13]
3. How practical is the requirement? (Can it be administered smoothly by the staff and budget likely to be made available? How much additional training of polling place workers might be required?) Is it simple enough or can it be defined with sufficient clarity that poll workers throughout the state can administer it uniformly and with a minimum of local interpretation made on the fly under the pressure of Election Day?[14]
4. How cost-effective is the system? Does it demonstrably increase the security of the ballot affordably, measured in both monetary and other costs? To improve understanding of the non-monetary component of the costs, conducting a voter impact study might be appropriate. The voter impact study would examine, before the adoption of the regulation, the cost of compliance by the voter (such as the cost in time and money of acquiring a photo ID card), any offsetting benefits to voters, and the possible disparate effects of the regulation on various groups of voters.[15] A thorough, objective impact statement that demonstrated the nexus between the identification regime and the integrity of the ballot could provide protection against inevitable legal challenges.
5. If a side effect of the Voter ID regulation is likely to reduce turnout, generally or among particular groups, is it possible to take other steps to ameliorate the adverse consequences?[16]
6. Does it comply with the letter and spirit of Voting Rights Act?
7. The seventh question is the most difficult to answer. How neutral is the effect of the Voter ID requirement on the composition of the qualified and eligible electorate? Might it,

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[13] See the final section of this report for a brief overview of possible effects of a statewide voter database on voter identification issues.

[14] In New York, in 2004, disparities in training and voting information were made apparent in a study finding elections officials had wildly varying interpretations of what the state's voter identification requirement actually was. Tova Wang, "Warning Bell in Ohio," December 5, 2005. Website, the Foundation for National Progress.

[15] "Absent clear empirical evidence demonstrating widespread individual voter fraud, legislatures need to fashion narrowly tailored voter identification provisions with an eye toward the inevitable and well-grounded constitutional challenges that will arise in the courts. Only as states grow more adept at administering elections will courts likely demonstrate greater willingness to uphold strict identification requirements." Harvard Law Review 127:1144 (2006)

[16] For example, the Carter-Baker Commission coupled its recommendation for a national voter ID card to a call for an affirmative effort by the states to reach out and register the unregistered, that is, to use the new Voter ID regime as a means to enroll more voters. Similarly, Richard Hasen has suggested combining a national voter ID with universal registration. See his "Beyond the Margin of Litigation: Reforming U.S. Election Administration to Avoid Electoral Meltdown," 62 Washington and Lee Law Review 937 (2005).

intentionally or unintentionally, reduce the turnout of particular groups of voters or supporters of one party or another without an offsetting decrease in vote fraud?

Voter ID and Turnout

Based on research for this study by the Moritz College of Law, states had one of five types of maximum requirements in place on Election Day 2004.These are shown in Table 1, *Voter ID Requirements*. The five categories: at the polling place, voters were asked to either: state their names (10 states); sign their names (13 states and the District of Columbia); sign their names, to be matched to a signature on file (seven states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (five states).[17] Using this information made it possible to code the states according to these requirements, and examine the assumption that voter identification requirements would pose an increasingly demanding requirement in this order: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification, and providing a form of photo identification, however, in all "photo ID" states in 2004, voters without photo ID could cast a regular ballot after signing an affidavit concerning their identity and eligibility or provide other forms of ID). The report refers to this set of ID requirements as "maximum," the most rigorous ID the voter can be asked to present at the polling place in order to cast a regular ballot.[18]

Election laws in several states offer exceptions to these requirements if potential voters lack the necessary form of identification. Laws in those states set a minimum standard – that is the minimum requirement that a voter may be required to satisfy in order to vote using a regular ballot. States can be categorized based on the minimum requirement for voting with a regular ballot. In 2004 the categories were somewhat different compared to the maximum requirement, in that none of the states required photo identification as a minimum standard for voting with a regular ballot. That is, voters who lacked photo ID would still be allowed to vote in all states, if able to meet another requirement. Four states required voters to swear an affidavit as to their identity (Florida, Indiana, Louisiana, and North Dakota). The five categories for minimum requirements were: state name (12 states), sign name (14 states and the District of Columbia), match one's signature to a signature on file (six states), provide a non-photo identification (14 states), or swear an affidavit (four states). The analysis also examined this array of minimum

[17] Oregon conducts elections entirely by mail. Voters sign their mail-in ballots, and election officials match the signatures to signatures on file. For the purposes of this analysis, Oregon is classified as a state that requires a signature match.

[18] As noted above, our analysis does not consider additional requirements that particular voters may be subjected to as part of an official challenge process, in the event that their eligibility is called into question.

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identification requirements to assess how they correlated with turnout: state name, sign name, match signature, provide non-photo identification, and, given the potential legal consequences for providing false information, swearing an affidavit. As noted above, *no* state had a "minimum" requirement of showing photo ID. This analysis therefore cannot estimate the effect of laws, such as those recently enacted in Indiana and Georgia that require voters to show photo ID in order to cast a regular ballot without an affidavit or other exception.

We recognize the difficulties in summarizing each state's voter ID requirements. The problem is illustrated by the number of footnotes to Table 1 below. The variety of statutory and regulatory details among the states is complex.

Moving beyond the statutes and regulations, we also recognize that the assignment of each state to one category may fail to reflect actual practice at many polling places. As in any system run by fallible humans, the voter ID process is subject to variation in practice.[19] Voters may have been confronted with demands for identification different from the directives in state statutes or regulation. It seems reasonable to conclude, however, that while actual practices may vary, the variance is around each state's legal requirement for ID. The analysis of the effect of state requirements on turnout must be viewed with some caution. We believe that the categories used in this report provide an acceptable level of discrimination among voter identification regimes.

[19] One state election official told us that, "We have 110 election jurisdictions in Illinois, and I have reason to believe [the voter ID requirements] are administered little bit differently in each one. We wish it weren't that way, but it probably is."

TABLE 1 – Voter ID Requirements[20]

State	Maximum Forms of ID Required 2004	Current ID Requirement for First-Time Voters	Current ID Requirements for All Other Voters	Verification Method for Provisional Ballots
Alabama	Provide ID	Provide ID	Provide ID	Address & Registration
Alaska	Provide ID	Provide ID	Provide ID	Signature
Arizona	Provide ID	Gov-issued Photo ID	Gov-issued Photo ID[1]	Address & Registration
Arkansas	Provide ID	Provide ID	Provide ID	Address & Registration
California	Sign Name	Sign Name	Sign Name	Signature
Colorado	Provide ID	Provide ID	Provide ID	Address & Registration
Connecticut	Provide ID	Provide ID	Provide ID	Affidavit
D.C.	Sign Name	Provide ID*	Sign Name	Address & Registration
Delaware	Provide ID	Provide ID	Provide ID	Affidavit
Florida	Photo ID[2]	Photo ID	Photo ID	Signature
Georgia	Provide ID	Gov. Issued Photo ID	Gov. Issued Photo ID	Affidavit
Hawaii	Photo ID^^	Photo ID	Photo ID^^	Affidavit
Idaho	Sign Name	Provide ID*	Sign Name	EDR
Illinois	Give Name	Provide ID*	Match Sig.	Affidavit
Indiana	Sign Name	Gov. Issued Photo ID	Gov. Issued Photo ID	Bring ID Later
Iowa	Sign Name	Provide ID*	Sign Name	Bring ID Later
Kansas	Sign Name	Sign Name	Sign Name	Bring ID Later
Kentucky	Provide ID	Provide ID	Provide ID	Affidavit
Louisiana	Photo ID	Photo ID	Photo ID^	DOB and Address
Maine	Give Name	Provide ID*	Give Name	EDR
Maryland	Sign Name	Provide ID*	Sign Name	Bring ID Later
Mass.	Give Name	Provide ID*	Give Name	Affidavit
Michigan	Sign Name	Provide ID*	Sign Name	Bring ID Later
Minnesota	Sign Name	Provide ID*	Sign Name	EDR
Mississippi	Sign Name	Provide ID*	Sign Name	Affidavit
Missouri	Provide ID	Provide ID*	Provide ID	Address & Registration
Montana	Provide ID	Provide ID*	Provide ID	Bring ID Later
Nebraska	Sign Name	Provide ID*	Sign Name	Affidavit
Nevada	Match Sig.	Provide ID*	Match Sig.	Affidavit
New Jersey	Match Sig.	Provide ID*	Match Sig.	Bring ID Later
New Mexico	Sign Name	Provide ID	Provide ID	Bring ID Later
New York	Match Sig.	Provide ID*	Match Sig.	Affidavit
NH	Give Name	Provide ID	Give Name	EDR
North Carolina	Give Name	Provide ID*	Give Name	Varies
North Dakota	Provide ID	Provide ID	Provide ID	No Registration
Ohio	Match Sig.	Provide ID	Provide ID	Address & Registration
Oklahoma	Sign Name	Provide ID*	Sign Name	Address & Registration
Oregon	Match Sig.	Provide ID*	Match Sig.	Signature
Penn.	Match Sig.	Provide ID[4]	Match Sig.	Address & Registration
Rhode Island	Give Name	Provide ID*	Give Name	Address & Registration

[20] See Appendix 1 for a more detailed summary, including citations and statutory language, of the identification requirements in each state.

South Carolina	Photo ID[5]	Photo ID	Photo ID^^	Address & Registration
South Dakota	Photo ID[6]	Photo ID	Photo ID^^	Affidavit
Tennessee	Provide ID	Provide ID[7]	Provide ID	Affidavit
Texas	Provide ID	Provide ID[8]	Provide ID	Bring ID Later
Utah	Give Name	Provide ID	Give Name	Bring ID Later
Vermont	Give Name	Provide ID	Give Name	Affidavit
Virginia	Provide ID	Provide ID	Provide ID	Affidavit
Washington	Sign Name	Provide ID	Provide ID	Address & Registration
West Virginia	Match Sig.	Provide ID	Match Sig.	Address & Registration
Wisconsin	Give Name	Provide ID	Give Name	Bring ID Later
Wyoming	Give Name	Provide ID	Give Name	Affidavit

* States applies only HAVA's ID requirement, applicable to first-time voters who registered by mail and did not provide applicable ID at the time of registration.
[1] Arizona voters who lack a photo ID may present 2 forms of ID with no photograph.
[2] Florida required a photo ID in 2004, but voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot. Florida subsequently changed its law to require that voters present photo ID to cast a regular ballot, though voters without photo ID may still cast a provisional ballot by signing an affidavit, which ballot should ordinarily be counted.
[3] Louisiana required a photo ID in 2004. Voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot.
[4] Pennsylvania requires ID of all first-time voters, whether they registered by mail or in-person.
[5] Voters lacking a photo ID could vote by providing another form of ID in 2004.
[6] Voters lacking a photo ID could vote by providing another form of ID in 2004.
[7] Tennessee voters must provide signature and address. In counties without computerized lists, the signature is compared to the registration card. In counties with computerized lists, the signature is compared to a signature on ID presented with the registration.
[8] Texas voters must present a current registration certificate. Those without a certificate can vote provisionally after completing an affidavit.

Relationship of Voter ID requirements to Turnout

The statistical analysis examined the potential variation in turnout rates based on the type of voter identification required in each state on Election Day 2004 using two sets of data: aggregate turnout data at the county level for each state, as compiled by the Eagleton Institute of Politics, and individual-level survey data included in the November 2004 Current Population Survey conducted by the U.S. Census Bureau.

The statistical analysis examined turnout among U.S. citizens of voting age in both the aggregate and the individual-level data. Determining citizenship status in the individual-level data simply involved restricting the analyses to individuals who identified themselves as citizens in the November 2004 Current Population Survey. (Those who said they were not citizens did not have the opportunity to answer the supplemental voting questions contained in the Current Population Survey.)

Findings of the statistical analysis

The analysis looked at the voter identification requirements in two ways, as a continuous variable and as a series of discrete variables. As a continuous variable the maximum voter identification requirements are ranked according to how demanding they were judged to be, with photo ID as the most demanding requirement. As discrete variables, the statistical analysis assume that stating name is the least demanding ID requirement and compare each other requirement to it.

The analysis treating the requirements as a continuous variable offers some statistical support for the premise that as the level of required proof increases, turnout declines. Averaging across counties in each state, statewide turnout is negatively correlated with maximum voter identification requirements ($r = -.30$, $p < .05$). In considering the array of minimum requirements, with affidavit as the most demanding requirement, however, the correlation between voter identification and turnout is negative, but it is not statistically significant ($r = -.20$, $p = .16$). This suggests that the relationship between turnout rates and minimum requirements may not be linear. Breaking down the turnout rates by type of requirement reveals in greater detail the relationship between voter identification requirements and voter turnout.

Table 2 – Variation in 2004 State Turnout Based on Voter Identification Requirements

Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	**64.2 %**	State Name	**63.0 %**
Sign Name	**61.1 %**	Sign Name	**60.4 %**
Match Signature	**60.9 %**	Match Signature	**61.7 %**
Provide Non-Photo ID	**59.3 %**	Provide Non-Photo ID	**59.0 %**
Provide Photo ID	**58.1 %**	Swear Affidavit	**60.1 %**
Average Turnout (All States)	***60.9 %***		

This table displays the mean turnout using the aggregate county level data for each state in 2004.

The aggregate data show that 60.9 percent of the estimated citizen voting age population voted in 2004. Differences in voter turnout at the state level in 2004 varied based on voter identification requirements. Taking into account the maximum requirements, an average of 64.6 percent of the voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. A similar trend

emerged when considering minimum requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their names, compared to 60.1 percent in states that required an affidavit from voters. Given the lack of a clear, consistent linear relationship between turnout and minimum identification requirements, however, we opted to treat the voter identification requirements as a series of dichotomous variables in subsequent analyses.[21]

Voter identification requirements are just one factor that may affect voter turnout. Multivariate models that take into account other predictors of turnout can paint a more complete picture of the relationship between voter identification requirements and turnout. This analysis estimated the effects of voter identification requirements in multivariate models that also took into account the electoral context in 2004 and demographic characteristics of the population in each county. While the model takes account of several important variables, statistical models do not capture all the messiness of the real world. It is a simplification of a complex reality, and its results should be treated with appropriate caution.

The model also took into account such variables as:

- Was the county in a presidential battleground state?
- Was the county was in a state with a competitive race for governor and/or the U.S. Senate?
- Percentage of the voting-age population in each county that was Hispanic or African-American [22]
- Percentage of county residents age 65 and older
- Percentage of county residents below the poverty line

Another contextual factor to consider is voter registration requirements, such as the deadline for registration. As states set the deadline farther away from Election Day, the task of remembering to register to vote becomes more challenging. Thus our model takes into account the number of days between each state's registration deadline and the election.

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[21] The voter identification requirements are coded as a series of dummy variables, coding each variable as one if the requirement existed in a given state, and zero otherwise. This yielded five dichotomous variables for maximum requirements (state name, sign name, match signature, non-photo identification, or photo identification), and five dichotomous variables for minimum requirements (state name, sign name, match signature, non-photo identification, or providing an affidavit). Omitted is the variable for stating one's name so that it could serve as the reference category in comparison with the other four identification requirements in each of the statistical analyses.

[22] The U.S. Census projections for 2003 provided the data for the percentage of the voting-age population in each county that was Hispanic or African-American and for the percentage of county residents age 65 and older.

The dependent variable in each model was voter turnout at the county level, with turnout calculated as the percentage of the citizen voting-age population that voted in the 2004 election.

The results of this modeling suggest that voter identification requirements such as signature matching, a non-photo ID or a photo ID are associated with lower turnout than in states that required voters to simply state their name, holding constant the electoral context and demographic variables.

Contextual factors, such as whether the county was in a battleground state or whether that state had a competitive race for governor and/or U.S. Senate, were associated with increased voter turnout. The time between the closing date for registration and the election was correlated with a slight negative effect on turnout. As the percentage of Hispanics in the county's population increased, turnout declined. The percentage of senior citizens in the county and household median income were associated with higher turnout. The percentage of African-Americans in the county did not have a significant effect in the model. The percentage of senior citizens in the county and household median income showed a positive correlation with turnout. In this aggregate model, the percentage of African-Americans in the county was not associated with a significant difference in turnout.

The relationship of the minimum voter identification requirements to turnout was not demonstrated. None of the dummy variables for voter identification requirements were statistically significant. Being a battleground state and having a competitive statewide race were significant and positive, as was the percentage of senior citizens in the county and household median income. The percentage of Hispanics in the county's population continued to be associated with reduced turnout, as was the number of days between the closing date for registration and the election. [23]

Analysis of the aggregate data at the county level generates some support for the hypothesis that stricter identification requirements are correlated with lower turnout. For the maximum

[23] This test incorporated a series of interactions between the maximum and minimum voter identification requirements and the percentage of African-Americans and Hispanics living in the counties. In each case the interactions did not improve the fit of the models to the data. See tables A-1 and A-2 in the appendix of Vercellotti's paper in the appendices.

requirements, a signature match, non-photo identification or photo identification were correlated with lower turnout in 2004, compared to requiring that voters simply state their names.

Aggregate data, however, cannot fully capture the individual demographic factors that may figure into the decision to turn out to vote.[24] Voter identification requirements could have a relationship to the turnout of particular groups of voters, in ways that county-level aggregate data on turnout would not capture. To explore the effects of voter identification requirements on turnout more completely, it is important to examine individual-level data as well.

Individual-level Analysis

Individual-level turnout data exists in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. The Census Bureau conducts the CPS monthly to measure unemployment and other workforce data, but the bureau adds a battery of voter participation questions to the November survey in even-numbered years to coincide with either a presidential or midterm Congressional election.

One of the of the CPS is the sheer size of the sample. The survey's Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents.[25] The large sample size permits analyses of smaller groups, such as Black or Hispanic voters or voters with less than a high school education. The statistical analysis in relying on the CPS is based on reports from *self-described* registered voters. Omitted are those who said they were not registered to vote, as are those who said they cast absentee ballots because the identification requirements for absentee ballots may differ from those required when one votes in person. Eliminated from the sample are respondents who said they were not U.S. citizens; the questionnaire design skipped those individuals past the voter registration and turnout questions in the survey. In addition to the voter identification requirements, the models include other socioeconomic, demographic, and political environment factors that might have

[24] For example, previous research has found that education is a powerful determinant of turnout (Wolfinger and Rosenstone 1980, but see also Nagler 1991).[24] Married people also are more likely to vote than those who are not married (Alvarez and Ansolabehere 2002; Alvarez, Nagler and Wilson 2004; Fisher, Kenny, and Morton 1993).

[25] It is important to note that the Census Bureau allows respondents to answer on behalf of themselves and others in the household during the interview. While proxy reporting of voter turnout raises the possibility of inaccurate reports concerning whether another member of the household voted, follow-up interviews with those for whom a proxy report had been given in the November 1984 CPS showed 99 percent agreement between the proxy report and the information given by the follow-up respondent (U.S. Census Bureau 1990).

influenced turnout in 2004.[26] The dependent variable in these analyses is whether a respondent said he or she voted in the November 2004 election.[27]

In the model, three of the voter identification requirements have a statistically significant correlation with whether survey respondents said they had voted in 2004. That is, compared to states that require voters only to state their names, the requirement to sign one's name, provide a non-photo ID, or photo ID in the maximum requirements or affidavit in the minimum is associated with lower turnout.

Of the other state factors, only the competitiveness of the presidential race showed a significant, correlation with increased turnout. In terms of demographic influences, African-American voters were more likely than white voters or other voters to say they had cast a ballot, while Asian-Americans were less likely than white or other voters to say they had turned out. Hispanic voters were not statistically different from white or other voters in terms of reported turnout. Consistent with previous research, income, and marital status all were positive predictors of voting. Women also were more likely to say they voted than men. Among the age categories, those ages 45 to 64 and 65 and older were more likely than those ages 18 to 24 to say they voted. Respondents who had earned a high school diploma, attended some college, graduated from college or attended graduate school were all more likely to say they voted than those who had not finished high school.

While the probit models provide statistical evidence for the relationship of voter identification requirements and other variables to turnout, probit coefficients do not lend themselves to intuitive interpretation.[28] Table 3 below shows predicted probabilities (calculated from the probit coefficients) of voting for each level of voter identification requirements while holding all other independent variables in the models at their means.[29] .

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[26] The models are estimated using probit analysis, which calculates the effects of independent variables on the probability that an event occurred – in this case whether a respondent said he or she voted and using robust standard errors to control for correlated error terms for observations from within the same state.

[27] The U.S. Census Bureau reported, based on the November 2004 CPS, that 89 percent of those who identified themselves as registered voters said they voted in 2004 (U.S. Census Bureau 2005). Previous research has shown that, generally speaking, some survey respondents overstate their incidence of voting. Researchers speculate that over-reports may be due to the social desirability that accompanies saying one has done his or her civic duty, or a reluctance to appear outside the mainstream of American political culture (U.S. Census Bureau 1990). It is also possible that voting is an indication of civic engagement that predisposes voters to agree to complete surveys at a higher rate than non-voters (Flanigan and Zingale 2002). Hence the voter turnout rates reported in the CPS tend to be up to 10 percentage points higher than the actual turnout rate for the nation (Flanigan and Zingale 2002). Even with this caveat, however, the CPS serves as a widely accepted source of data on voting behavior.

[28] A probit model is a popular specification of a generalized linear regression model, using the probit link function.

[29] In the case of dichotomous independent variables, holding them at their mean amounted to holding them at the percentage of the sample that was coded 1 for the variable (Long 1997).

Table 3. Predicted probability of voter turnout – all voters

	Maximum requirement	Minimum requirement
State name	91.7%	91.5%
Sign name	89.9%	90.2%
Match signature	Not significant	Not significant
Non-photo ID	89.0%	89.0%
Photo ID	88.8%	----
Affidavit	----	87.%5
Total difference from "state name" to "photo ID" or "affidavit"	**2.9%**	**4.0%**
N	54,973	

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies stating one's name to providing photo identification or an affidavit, with all other variables held constant. N.S. = nonsignificant coefficient in the probit model.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

Taking into account that signature matches were not a predictor of turnout, the differences in predicted probability decline from stating one's name to providing a photo identification or affidavit. Voters in states that required photo identification were 2.7 percent less likely to vote than voters in states where individuals had to give their names.[30] In terms of the minimum requirement, voters in states that required an affidavit at minimum were 4 percent less likely to turn out than voters in states where they had to give their names.

The differences were more pronounced for those lower in education. Constraining the model to show predicted probabilities only for those with less than a high school diploma, the probability of voting was 5.1 percent lower in states that required photo identification as the maximum requirement and 7 percent lower in states that required an affidavit as the minimum requirement compared to states where stating one's name was the maximum or minimum requirement.

[30] The voter turnout percentages may seem disproportionately high compared to the turnout rates reported in the aggregate data analysis. It is important to consider that the turnout rates in the aggregate data were a proportion of all citizens of voting-age population, while the turnout rates for the individual-level data are the proportion of only registered voters who said they voted.

Race and ethnicity have generated particular interest in the debate over voter ID requirements.[31] The analysis using the aggregate data shed no light on the association between voter ID requirements and turnout for African-American and Hispanic voters. But in the models using the individual data, some significant relationships emerged for African-American, Hispanic and Asian citizens. For the entire population, the signature, non-photo identification and photo identification requirements all were associated with lower turnout compared to the requirement that voters simply state their names. These correlations translated into reduced probabilities of voting of about 3 to 4 percent for the entire sample, with larger differences for specific subgroups. For example, the predicted probability that Hispanics would vote in states that required non-photo identification was about 10 percentage points lower than in states where Hispanic voters gave their names. The difference was about 6 percent for African-Americans and Asian-Americans, and about 2 percent for white voters.

The model also showed that Hispanic voters were less likely to vote in states that required non-photo identification as opposed to stating one's name. Hispanic voters were 10 percent less likely to vote in non-photo identification states compared to states where voters only had to give their name.

Varying voter identification requirements were associated with lower turnout rates for Asian-American voters as well. Asian-American voters were 8.5 percent less likely to vote in states that required non-photo identification compared to states that require voters to state their names under the maximum requirements, and they were 6.1 percent less likely to vote where non-photo identification was the minimum requirement.

Conclusions of the Statistical Analysis

The statistical analysis found that, as voter identification requirements vary, voter turnout varies as well. This finding emerged from both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall relationship between ID requirements and turnout for all registered voters was fairly small, but still statistically significant.

[31] Incorporating discrete variables for Hispanics, African-Americans, and Asian-Americans into one model carries the implicit assumption that the remaining variables, including education and income, will influence each of these groups in a similar manner in terms of deciding whether to vote. These assumptions are not always born out by the data (see Leighley and Vedlitz, 1999.) To isolate the effects of voter identification and other variables on voter turnout within specific racial and ethnic groups, the sample is divided into sub-samples and the model re-run to calculate the data discussed and shown in Tables 5, 6, and 7 in Appendix C.

In the aggregate data, the match signature requirement, the provide a non-photo ID requirement, and the photo ID requirement were all correlated with lower turnout compared to requiring that voters state their names.

The signature, non-photo ID, and photo ID requirements were all correlated with lower turnout compared to the requirement that voters simply state their names. That the non-photo identification requirement was the most consistent in terms of statistical significance across the groups is intriguing given the intense debates surrounding photo identification requirements.

Significant questions about the relationship between voter identification requirements and turnout remain unanswered. The data examined in the statistical analysis could not capture the dynamics of how identification requirements might lower turnout, nor could they rule out that other attributes of a state's electoral system might explain the statistically significant correlations that the study found. If ID requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day , or forced to cast a provisional ballot that is not ultimately counted? The CPS data do not include measures that can answer this question. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

Litigation Over Voter ID Requirements

A handful of cases have challenged identification requirements in court in recent years. In general, requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is more doubtful. To date, only two cases have considered laws requiring voters to show photo ID (*Common Cause v. Billups* and *Indiana Democratic Party v. Rokita*).. Cases challenging the mandatory disclosure of voters' Social Security numbers on privacy grounds have yielded mixed results.

Non-photo identification. For the most part, courts have looked favorably on requirements that voters present some form of identifying documents if the photo identification is <u>not</u> the

only form accepted. In *Colorado Common Cause v. Davidson,* No. 04CV7709, 2004 WL 2360485, at *1 (Colo. Dist. Ct. Oct. 18, 2004), plaintiffs challenged a law requiring all in-person voters to show identification (not just first-time registrants). The court upheld this requirement against a constitutional challenge. Similarly, in *League of Women Voters v. Blackwell,* 340 F. Supp. 2d 823 (N.D. Ohio 2004), the court rejected a challenge to an Ohio directive requiring first-time voters who registered by mail to provide one of the HAVA-permitted forms of identification, in order to have their provisional ballots counted. Specifically, the directive provided that their provisional ballots would be counted if the voter (a) orally recited his driver's license number or the last four digits of his social security number or (b) returned to the polling place before it closed with some acceptable identification (including reciting those identification numbers). *Id.* This was found to be consistent with HAVA.

Photo ID. Since the 2004 election, two states have adopted laws requiring photo identification at the polls in order to have one's vote counted, without an affidavit exception: Georgia and Indiana.[32] Both these requirements were enacted in 2005 and both have been challenged in court. The Georgia law required voters attempting to cast a ballot in person present a valid form of photographic identification. O.C.G.A. § 21-2-417. On October 18, 2005, the District Court granted the plaintiffs' motion for a preliminary injunction, enjoining the application of the new identification requirements on constitutional grounds. In granting the injunction, the court held that plaintiffs' claims under both the Fourteenth Amendment (equal protection) and Twenty-Fourth Amendment (poll tax) had a substantial likelihood of succeeding on the merits at trial (*Common Cause v. Billups*, Prelim. Inj. 96, 104). In January 2006, Georgia enacted a modified version of its photo ID law, which the court has not yet ruled on. In the other state that has enacted a photo ID requirement (Indiana), legal challenges have also been filed. (*Indiana Democratic Party v. Rokita* and *Crawford v. Marion County Election Board*). On April 14, 2006, the district court granted defendants' motion for summary judgment, concluding that plaintiffs had failed to produce evidence showing that the state's ID law would have an adverse impact on voters. Another case of significance, for purposes of photo ID requirements, is *American Civil Liberties Union of Minnesota v. Kiffmeyer,* No. 04-CV-4653, 2004 WL

[32] Indiana's law does allow voters without ID to cast provisional ballots, and then to appear before the county board of elections to execute an affidavit saying that they are indigent and unable to obtain the requisite ID without payment of a fee. But in contrast to other states, voters cannot cast a ballot that will be counted by submitting an affidavit at the polls, affirming that they are the registered voter and are otherwise eligible to vote.

2428690, at *1 (D. Minn. Oct. 28, 2004). In that case, the court enjoined a Minnesota law that allowed the use of tribal photo ID cards, only for an Indian who lived on the reservation. 2004 WL 2428690, at *1. The Court found no rational basis for distinguishing based on whether or not the cardholder lives on the reservation. *Id.* at *1, 3. These decisions indicate that courts are likely to carefully scrutinize the evidence regarding the impact of photo ID requirements.

Privacy. In *Greidinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993), the court struck down on due process grounds a Virginia law requiring disclosure of voters' social security numbers for voter registration. The social security numbers recorded in voter registration lists had been disclosed to the public and political parties that had requested the lists. The court found that the requirement to give the social security number effectively conditioned rights on the consent to an invasion of privacy. It concluded that this public disclosure of the social security numbers was not necessary to achieve the government's interest in preventing fraud. On the other hand, in *McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000), the court rejected privacy challenges based on both the Constitution and federal statutes, to a Tennessee law requiring social security numbers for voter registration since 1972. 226 F.3d at 755. Second, the NVRA only permits requiring the minimum amount of information necessary to prevent duplicate voter registration and to determine eligibility. The distinction appears to be between the use of Social Security numbers for internal purposes only, which was deemed permissible, and the disclosure of those numbers to the public which was not.

These decisions suggest that the courts will carefully scrutinize the evidence, where states require that voters produce a photo ID in order to cast a regular ballot. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, these early decisions suggest that best practice may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

Developments since 2004

Since the passage of HAVA, with its limited requirements for voter identification, and following the 2004 election, debate over voter ID has taken place in state legislatures across the country. That debate has not been characterized by solid information on the consequences of tightening requirements for voters to identify themselves before being permitted to cast a regular, rather than a provisional, ballot.

Better information might improve the quality of the debate. Answers to the following key questions are not available in a form that might satisfy those on both sides of the argument.

- What is the overall incidence of vote fraud?
- How does fraud take place in the various stage of the process: registration, voting at the polls, absentee voting, or ballot counting?
- What contribution can tighter requirements for voter ID make to reducing vote fraud?
- What would be the other consequences of increasingly demanding requirements for voters to identify themselves? This is the question addressed, within the limits of the available data, in the analysis in this report.

Answering these questions would provide the information needed for more informed judgment in the states as they consider the tradeoffs among the competing goals of ballot integrity, ballot access, and administrative efficiency. The Carter-Baker Commission recognized the tradeoffs when it tied recommendation for national ID to an affirmative effort by government to identify unregistered voters and make it easy for them to register.

State Voter Databases and Voter ID

With the implementation of the HAVA Computerized Statewide Voter Registration List, an application for voter registration for an election for Federal office may not be accepted or processed unless the application includes a driver's license number or last four digits of the Social Security number on the voter registration form. This information can be used to verify the identity of the registrant through interfacing with lists maintained by the Motor Vehicle office and Social Security office. If registrants do not have either a driver's license or Social Security number, the State will assign a unique identifier number to that person.

Some states are wrestling now with these unresolved issues. In New Jersey, for example, pending legislation would require that voters must be able to confirm their registration through a secure access to the Statewide Voter Registration List. It also requires voters to present ID at

the polls in order to cast a regular ballot if the numbers recorded on the registration have not been verified (or if no verifiable number appears on the registration). It recognizes the HAVA requirement that if the number provided by the voter has not been verified and if the voter does not present ID at the polls, that voter may cast a provisional ballot. The bill does not specify they have to provide ID within 48 hours in order for their vote to count, as is the case with first-time mail-in registrants.

As some states gain experience in this area, the EAC would perform a useful service by making timely recommendations of best practices for all states to consider.

Conclusions

The analysis of voter ID requirements is complex. It takes into account important values associated with an electoral process, such as ballot access and integrity. The continuing effort to understand how voter ID requirements may affect turnout and the integrity of the ballot could benefit from additional factual information, including statistical analyses. Our research includes a statistical study of this kind. It indicated that the level of voter turnout in a state is correlated with the stringency of the voter ID requirement imposed by that state. Additional empirical research of this nature, with additional data collected by or for the EAC, would further illuminate the relationship between stricter voter ID rules and turnout, perhaps explaining if awareness of a strict ID requirement tends to discourage would-be voters from going to the polls. Or, additional research may shed light on whether, if voters did go to the polls, stricter Voter ID requirements will divert more voters into the line for provisional ballots. The consequence of increased reliance on provisional ballots can be longer lines at the polls and confusion, without necessarily a clear demonstration that the security of the ballot is correspondingly increased. [33]

The debate over voter ID in the states would be improved by additional research sponsored by the EAC. That might include longitudinal studies of jurisdictions that have changed voter ID requirements, as well as precinct-level analyses that would allow more finely tuned assessment of the correlation between stricter identification requirements and turnouts. Further research could also identify methods to eliminate the need for voters to bring specific identity documents

[33] In this connection, the Brennan Center's response to the Carter-Baker Commission report observes that, "while it might be true that in a close election "a small amount of fraud could make the margin of difference," it is equally true that the rejection of a much larger number of eligible voters could make a much bigger difference in the outcome." *Response to the Report of the 2005 Commission on Federal Election Reform*, The Brennan Center for Justice at NYU School of Law and Spencer Overton, On Behalf Of The National Network on State Election Reform, September 19, 2005

with them to the polls, while assuring that each voter who casts a ballot is eligible and votes only once.

Karen Lynn-Dyson/EAC/GOV
05/17/2006 12:29 PM

To "Tom O'neill" <[redacted]L
cc Amie J. Sherrill/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV@EAC
bcc
Subject Re:Presentations at the EAC Governing Boards

Tom-

Look forward to getting a PDF copy of the final versions of the Voter ID paper and the Provisional Voting Paper by COB today

Here is the timing breakdown for next week's presentations:

EAC Standards Board (137 members)

Tuesday, May 23, 2006
2:30-4:00 PM
Hamilton Ballroom
Provisional Voting
45 minutes for presentation
45 minutes for questions and answers

Wednesday, May 24, 2006
1:40-2:45 PM
Hamilton Ballroom
Voter Identification
40 minutes for presentation
25 minutes for questions and answers

EAC Board of Advisors (36 members)

Wednesday, May 24, 2006
8:30-9:15 AM
Lafayette Park Ballroom
Provisional Voting
20 minutes for presentation
25 minutes questions and answers

Wednesday, May 24, 2006
11:00-11:55 PM
Lafayette Ballroom
Voter Identification
30 minutes presentation
25 minutes questions and answers

EAC General Counsel Julie Thompson- Hodgkins will facilitate/moderate all of your sessions

Will be in touch tomorrow after the Commissioners have met.

Karen Lynn-Dyson

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

025347

Karen Lynn-Dyson/EAC/GOV
05/17/2006 05:17 PM

To "Tom O'neill" [redacted]
cc Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC
bcc
Subject RE: Presentations at the EAC Governing Boards

I am told that a Wordperfect copy of the Provisional document will be fine.

EAC staff will convert it to a PDF file. Please sent the final drafts of the reports ASAP.

Also, you are correct to note the changes in the time allotments Please divide the time among your staff as you deem appropriate.

K

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

"Tom O'neill" <[redacted]

"Tom O'neill"
[redacted]
05/17/2006 04:57 PM

To klynndyson@eac.gov
cc tokaji.1@osu.edu, john.weingart@rutgers.edu, foley.33@osu.edu
Subject RE: Presentations at the EAC Governing Boards

Karen, I don't have the capacity to produce a PDF copy of the report. (I thought we discussed this last week and you agreed that the word document would suffice.) Someone at Eagleton could surely covert the DOC file to PDF, but since I just read your email now (4:50), we could not provide a PDF copy today. Please let me know if you want me to pursue this tomorrow.

Thanks for the schedule below. But it raises a question. Earlier this week you told me that the Commissioners asked that we limit our presentation to 10 minutes and leave the rest of the time for questions and comments. As I noted in my response, condensing our reports to 10 minutes poses a challenge. Is the 10 minute limit no longer operative?

Tom O'Neill

-----Original Message-----
From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]
Sent: Wednesday, May 17, 2006 12:30 PM
To: [redacted]
Cc: asherrill@eac.gov; aambrogi@eac.gov; jthompsonhodgkins@eac.gov
Subject: Re:Presentations at the EAC Governing Boards

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

Karen Lynn-Dyson/EAC/GOV
05/18/2006 08:43 AM

To "Tom O'neill" [redacted]
cc
bcc
Subject RE: Presentations at the EAC Governing Boards

I believe we're all set. Adam Ambrogi or Amie Sherill will be in touch, if not.

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

"Tom O'neill" <tom_oneill@verizon.net>

"Tom O'neill"
[redacted]
05/17/2006 08:53 PM

To klynndyson@eac.gov
cc
Subject RE: Presentations at the EAC Governing Boards

Karen, I'm afraid I don't have WordPerfect either. And Rutgers runs on MS Word as well. But I'll see what we can do..

Tom O'Neill

-----Original Message-----
From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]
Sent: Wednesday, May 17, 2006 5:17 PM
To: [redacted]
Cc: aambrogi@eac.gov; asherrill@eac.gov
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Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'neill"[redacted]

05/17/2006 04:57 PM

To klynndyson@eac.gov
cc tokaji.1@osu.edu, john.weingart@rutgers.edu, foley.33@osu.edu
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Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Karen Lynn-Dyson/EAC/GOV
05/18/2006 12:43 PM

To "Tom O'neill" [redacted]
cc arapp@rci.rutgers.edu, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, foley.33@osu.edu, ireed@rutgers.edu, "'Johanna Dobrich'"
bcc Juliet E. Thompson-Hodgkins/EAC/GOV@EAC; twilkey@eac.gov; Adam Ambrogi/EAC/GOV@EAC; Amie J. Sherrill/EAC/GOV@EAC
Subject Re: Voter ID Report and Appendices

Tom-

As was just discussed, the EAC's Commissioners have elected to delay a presentation of Eagleton's report on Voter Identification to the EAC Board of Advisors and Standards Board, at this time.

The Commissioners will spend time over the next several weeks reviewing and considering this report in great detail and will make a determination, shortly thereafter, regarding how they wish to proceed with the issuance of an EAC report on this study.

Many thanks to you and your staff for the work that has been done. We look forward to next week's presentation of the Eagleton/Moritz study of provisional voting.

Regards-

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

"Tom O'neill" [redacted]

"Tom O'neill"
[redacted]
05/17/2006 09:25 AM

To klynndyson@eac.gov
cc tokaji.1@osu.edu, foley.33@osu.edu, lauracw@columbus.rr.com, "Tim Vercellotti" <tim.vercellotti@rutgers.edu>, arapp@rci.rutgers.edu, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, ireed@rutgers.edu, joharris@eden.rutgers.edu, john.weingart@rutgers.edu, rmandel@rci.rutgers.edu, "'Johanna Dobrich'" <jdobrich@eden.rutgers.edu>
Subject Voter ID Report and Appendices

Karen,

Attached for review by the Commissioners is the Voter ID Report and its appendices. The appendices are lengthy, but I believe Appendix A should be included in the report sent to the Advisory Boards for review.

Thanks for your forbearance.

Tom O'Neill

Appendices517.doc

VoterIDReport05170910.doc

Karen Lynn-Dyson/EAC/GOV
06/02/2006 09:26 AM

To "Thomas O'Neill"
[redacted]
cc twilkey@eac.gov
bcc
Subject Re: Next steps

Tom-

Indeed, the Commissioners were to review next steps with the Voter Identification research paper and next steps with the Provisional Voting report during yesterday's meeting.

As you are aware, your Provisional Voting report stimulated a great deal of discussion at last week's Standard Board and Board of Advisors meetings. Given this fact and the various political exigencies which surround the topic of voter identification, the Commissioners wish to take more time to consider thoroughly and carefully, how they wish to proceed with the delivery of an EAC research report on provisional voting and voter identification.

I will let you know in the next week to ten days, the outcome of the Commissioner's discussion on how they wish to proceed with Eagleton's studies on these topics.

K

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

"Thomas O'Neill" [redacted]

"Thomas O'Neill"
[redacted]
06/01/2006 03:55 PM

To klynndyson@eac.gov
cc
Subject Next steps

Karen,

While we were in Washington for the meetings of the advisory boards, you told me the Commissioners were to meet today, June 1, and would reconsider the Voter ID paper. As you can, no doubt, imagine, we are all interested in learning the outcome of that discussion.

We also look forward to your guidance concerning the next steps to complete the work on the Provisional Voting report that we presented to the advisory boards last week.

Karen Lynn-Dyson/EAC/GOV
06/08/2006 11:24 AM

To john.weingart@rutgers.edu
cc "Tom O'Neill" [redacted]
bcc
Subject Re: Letter to Commissioner DeGregorio

John-

Thanks ever so much for sharing this letter.

Either the Chairman, Tom Wilkey or myself will be in touch with a response very shortly.

Regards-

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

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

"John Weingart"
<john.weingart@rutgers.edu>
06/08/2006 10:31 AM
Please respond to
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>
cc "Tom O'Neill" [redacted]
Subject Letter to Commissioner DeGregorio

Karen - I am attaching a copy of a letter we are just faxing and mailing to Commissioner DeGregorio. Thanks, John

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

DeGregorioFinal.060806.doc

Deliberative Process Privilege

EAGLETON INSTITUTE OF POLITICS

Paul S. DeGregorio
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
Fax: (202) 566-3127

June 8, 2006

Dear Chairman DeGregorio:

Karen Lynn-Dyson relayed the Commission's decision in your meeting of June 1 to take more time to consider how to proceed with the delivery of EAC research reports on provisional voting and voter identification.

The Eagleton-Moritz research team, of course, encourages the Commission's thoughtful consideration of the two reports, but we are mindful of the need to deliver revised documents that respond to the Commission's comments by the close of our contract on June 30th. We believe that if we receive the Commission's final comments on the Provisional Voting report by June 19 we will be able to complete any additional work that the Commission might request and incorporate the results in our final reports before the end of the contract period.

Based on suggestions raised at the meetings, we already plan to supplement the Provisional Voting report with some brief, additional information about the influence of the fail-safe ballot provisions of the National Voting Rights Act on the experience with provisional voting in 2004.

We understand that the Commission must submit the final draft Voter ID report to the same review process by your advisory boards as was followed with the Provisional Voting paper. We understand that step is a prerequisite for wider release. We would appreciate your advice on how to handle this review, given the rapidly approaching end of our contract.

We hope the commission will use both reports, as intended from the outset of this project, as the basis for recommendations for better, if not best, practices to the states. If the Commission cannot decide to issue such recommendations to the states, we hope it will promptly release the reports to provide the states and the broader elections community with this information, analysis and perspective on the issues.

We recognize, based on the reactions at the meetings of the Standards Board and, particularly, the Board of Advisors, that some of the findings, conclusions, and recommendations of the reports will be controversial with some of the Commission's constituencies. But we also believe, based on the comments of the Peer Review Group, the advisors assembled by the Commission, and our response to their critiques, that the reports are grounded on solid research by a well-qualified, nonpartisan team and that the reports will provide new information for the policy process. We believe this information will contribute to achieving the EAC mission of providing helpful information that the states may or may not choose to implement.

191 RYDERS LANE, NEW BRUNSWICK, NJ 08901-8557

Tel: (732) 932-9384
Fax: (732) 932-6778

THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS

E-mail: eagleton@rci.rutgers.edu
Web: www.eagleton.rutgers.edu

025359

The information in the reports can improve the policy process by raising the level of debate over increasingly volatile issues related to election administration. We believe our reports will prove useful to the states as they complete preparations for the 2006 elections. Moreover, the elections community is aware of this work, and awaits the analysis and conclusions.

We look forward to working with you to conclude this research in a way that will serve the public interest.

Very truly yours,

Thomas M. O'Neill
Project Director

Karen Lynn-Dyson/EAC/GOV
06/16/2006 09:32 AM

To "Thomas O'Neill" [redacted]
cc
bcc twilkey@eac.gov
Subject Re: Prov Voting and Voter ID Reports

Tom-

On Tuesday I drafted a letter for the Executive Director's signature.
He should be in touch today or Monday at the latest.

Regards-

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

"Thomas O'Neill" [redacted]

"Thomas O'Neill"
[redacted]
06/16/2006 08:49 AM

To klynndyson@eac.gov
cc
Subject Prov Voting and Voter ID Reports

Karen,

Could you please give me your reading of the status of a response to our letter last week that raised some issues for resolution by the Commission on the completion of our work during the final few weeks of the contract period. The Team needs to know how to proceed during the remaining 2 weeks of the project.

Thanks,

Tom O'Neill

Karen Lynn-Dyson/EAC/GOV

06/26/2006 04:34 PM

To Juliet E. Thompson-Hodgkins/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC

cc twilkey@eac.gov, Darrell D. Lee/CONTRACTOR/EAC/GOV@EAC

bcc

Subject Close-out with Eagleton

In anticipation of the conclusion of the Eagleton contract ,Darrell and I are going over contract items which may be outstanding (monthly reports, key deliverables, invoices, etc).

You may recall that the contract called for guidance to be issued on provisional voting and voter identification and for a public hearing to be held on each of these topics.

We possess e-mails and written correspondence which document that EAC elected not to issue guidance or to conduct public hearings on these matters.

In your opinion, is such correspondence sufficient documentation that the contractor was not required to deliver these deliverables?

Thanks for your guidance.

K

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

Karen Lynn-Dyson/EAC/GOV
06/27/2006 09:10 AM

To Gavin S. Gilmour/EAC/GOV@EAC
cc Darrell D. Lee/CONTRACTOR/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: Close-out with Eagleton

No and no.

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

Gavin S. Gilmour/EAC/GOV

Gavin S. Gilmour/EAC/GOV
06/26/2006 05:06 PM

To Karen Lynn-Dyson/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV
cc Thomas R. Wilkey/EAC/GOV, Darrell D. Lee/CONTRACTOR/EAC/GOV
Subject Re: Close-out with Eagleton

Has the conractor deliverd such items? Or, more specifically, has the contractor submitted invoices for work done on these deliverables?

Gg

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 06/26/2006 04:34 PM
To: Juliet Thompson-Hodgkins; Gavin Gilmour
Cc: Thomas Wilkey; Darrell Lee
Subject: Close-out with Eagleton

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Karen Lynn-Dyson/EAC/GOV
06/27/2006 12:13 PM

To Gavin S. Gilmour/EAC/GOV@EAC
cc Darrell D. Lee/CONTRACTOR/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: Close-out with Eagleton

Is T for C termination for convenience?

If so, I should then be drafting a letter similar to the one which was drafted for Design for Democracy and signed by Tom in which EAC discusses the fact that the agency is no longer requiring the contractor to perform services in its contract related to the re-design of the NVRA form?

Thanks

Karen Lynn-Dyson
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Washington, DC 20005
tel:202-566-3123

Gavin S. Gilmour/EAC/GOV

Gavin S. Gilmour/EAC/GOV
06/27/2006 11:23 AM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Darrell D. Lee/CONTRACTOR/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: Close-out with Eagleton

did they ever receive a TforC letter from the contracting officer. If not this should be done... I believe you can find the process and info in your COTR book.

GG

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

THIS MESSAGE IS FOR ITS INTENDED RECIPIENT ONLY. IT IS A PRIVILEGED DOCUMENT AND SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
06/27/2006 09:10 AM

To Gavin S. Gilmour/EAC/GOV@EAC

cc Darrell D. Lee/CONTRACTOR/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: Close-out with Eagleton

No and no.

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

Gavin S. Gilmour/EAC/GOV

Gavin S. Gilmour/EAC/GOV
06/26/2006 05:06 PM

To Karen Lynn-Dyson/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV
cc Thomas R. Wilkey/EAC/GOV, Darrell D. Lee/CONTRACTOR/EAC/GOV
Subject Re: Close-out with Eagleton

Has the conractor deliverd such items? Or, more specifically, has the contractor submitted invoices for work done on these deliverables?

Gg

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 06/26/2006 04:34 PM
To: Juliet Thompson-Hodgkins; Gavin Gilmour
Cc: Thomas Wilkey; Darrell Lee
Subject: Close-out with Eagleton

In anticipation of the conclusion of the Eagleton contract ,Darrell and I are going over contract items which may be outstanding (monthly reports, key deliverables, invoices, etc).

You may recall that the contract called for guidance to be issued on provisional voting and voter identification and for a public hearing to be held on each of these topics.

We possess e-mails and written correspondence which document that EAC elected not to issue guidance or to conduct public hearings on these matters.

In your opinion, is such correspondence sufficient documentation that the contractor was not required to deliver these deliverables?

Thanks for your guidance.

K

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

Karen Lynn-Dyson/EAC/GOV

06/27/2006 05:20 PM

To Darrell D. Lee/CONTRACTOR/EAC/GOV@EAC
cc
bcc
Subject Fw: Eagleton Institute of Politics - July 2005 - Monthly Progress Report

I think you have this- it may be a duplication. Please check.

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

---- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/27/2006 05:18 PM ----

"Lauren Vincelli"
<Vincelli@rutgers.edu>

08/15/2005 03:01 PM

Please respond to
Vincelli@rutgers.edu

To klynndyson@eac.gov
cc "'Tom O'neill'" [redacted]
rmandel@rci.rutgers.edu, john.weingart@rutgers.edu
Subject Eagleton Institute of Politics - July 2005 - Monthly Progress Report

Ms. Dyson,

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

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

Thank you for your time, have a great evening.

Best,
Lauren Vincelli

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

ProgressReport_JULY2005_EagletonInst.pdf

Karen Lynn-Dyson/EAC/GOV

06/27/2006 05:17 PM

To Darrell D. Lee/CONTRACTOR/EAC/GOV@EAC
cc
bcc
Subject Fw: March Progress Report

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

---- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/27/2006 05:16 PM ----

"Tom O'neill"
[redacted]

04/14/2006 12:50 PM

To klynndyson@eac.gov
cc [redacted] john.weingart@rutgers.edu
Subject March Progress Report

Karen,

Attached is the Progress Report for March. I think our conversation earlier this week laid out a clear path to a successful conclusion of the project.

Tom O'Neill

Progress ReportMarch06.doc

Karen Lynn-Dyson/EAC/GOV

06/27/2006 05:21 PM

To Darrell D. Lee/CONTRACTOR/EAC/GOV@EAC

cc

bcc

Subject Fw: Eagleton's September Progress Report

May be another dup. Please check.

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/27/2006 05:19 PM -----

jdobrich@eden.rutgers.edu

10/17/2005 03:14 PM

To klynndyson@eac.gov

cc

Subject Eagleton's September Progress Report

Dear Ms. Karen Lynn Dyson:

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

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

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

Sincerely,

Johanna Dobrich

ProgressReport_SEPTEMBER2005_EagletonInstitute.doc PRG Summary Comments 10.17.05.doc

Karen Lynn-Dyson/EAC/GOV

06/27/2006 05:24 PM

To Darrell D. Lee/CONTRACTOR/EAC/GOV@EAC

cc

bcc

Subject Fw: November's Progress Report

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

---- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/27/2006 05:22 PM ----

"Johanna Dobrich"
<jdobrich@eden.rutgers.edu>

12/13/2005 12:29 PM

To klynndyson@eac.gov

cc "tim.vercellotti@rutgers.edu" <tim.vercellotti@rutgers.edu>, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, ireed@rutgers.edu, joharris@eden.rutgers.edu, john.weingart@rutgers.edu, tokaji.1@osu.edu, foley.33@osu.edu, [redacted]

Subject November's Progress Report

Dear Ms. Karen Lynn-Dyson:

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

Please direct any questions about this report to Tom O'Neill (tom_oneill@verizon.net).

Sincerely,

Johanna Dobrich

--

Johanna Dobrich
jdobrich@eden.rutgers.edu

ProgressReport_ NOVEMBER 2005_ Eagleton Institute of Politics.doc

Karen Lynn-Dyson/EAC/GOV
06/28/2006 09:50 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Eagleton Institute of Politics - July 2005 - Monthly Progress Report

April and May don't exist. We won't have a June report until mid-July.

Am sending you all of the necessary Eagleton e-mails starting now.

It will be a deluge (at least 50-75).

Sorry

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

Karen Lynn-Dyson/EAC/GOV

06/28/2006 10:06 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV@EAC
cc
bcc
Subject Fw: Tally vote document on Eagleton Institute

You don't necessarily need this e-mail document, but you should get the formal tally vote record from DeAnna

K

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:04 AM -----

Juliet E. Thompson/EAC/GOV

04/20/2005 06:07 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: Tally vote document on Eagleton Institute

I've taken a brief look at this. Seems pretty straightforward. However, you might want to talk to Carol about the level of detail (not a whole lot in the memo re other bidders)-- maybe it's not needed. Once you've settled on a final, work with DeAnna to get the other docs necessary for a tally vote.

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

Karen Lynn-Dyson/EAC/GOV

04/20/2005 05:34 PM

To Carol A. Paquette/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC
cc Raymundo Martinez/EAC/GOV@EAC
Subject Tally vote document on Eagleton Institute

Carol and Julie-

Here is the draft of the tally vote document on Eagleton.

I'm not at all certain that I have done this correctly, having never done one before.

Karen Lynn-Dyson/EAC/GOV

06/28/2006 10:04 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV@EAC

cc

bcc

Subject Fw: Please send me the latest electronic version of the SOW on the VoterID and Provisional Voting project

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:02 AM -----

Carol A. Paquette/EAC/GOV

02/17/2005 02:50 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc

Subject Re: Please send me the latest electronic version of the SOW on the VoterID and Provisional Voting project

See attached.

STatement of Work - Provisional Voting,Voter ID.doc

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

02/17/2005 02:12 PM

To Carol A. Paquette/EAC/GOV@EAC

cc

Subject Please send me the latest electronic version of the SOW on the VoterID and Provisional Voting project

Thanks. I need this by COB today, if at all possible.

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

Also,Carol will have to fill in the contract amount.

K

Tally Vote- Eagleton Institute contract.doc

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

Deliberative Process Privilege

The email message shows a picture image of a file – NO file is attached

ren Lynn-Dyson - Sent - Lotus Notes

Edit View Create Actions Help

Welcome | Karen Lynn-Dyson - Provisional... | Karen Lynn-Dyson - Sent... | Fw: Please send me the latest... | Statement of Work - Provision...

Mail for Karen Lynn-Dyson

New Memo | Forward | Delete | Follow Up | Folder | Copy into New | Chat | Tools

- Inbox (34)
- Drafts
- Sent
- Follow Up
- Junk Mail
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  - Bilingual/Hispanic
  - Bobbie Brinege
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  - Cherrywood HOA
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  - Contracts 06
  - Contracts/Proc
  - D - both IFES anc
  - D - Cleveland S
  - D - IFES (79)...

Follow Up on EAC-MAIL-02/EAC/GOV

Who	Date	Time	Subject
Darrell D. Lee	06/28/2006	10:2218 AM	Fw: Peer Review Group
Darrell D. Lee	06/28/2006	10:2232 AM	Fw: Revised Work Plan –Gantt Chart
Darrell D. Lee	06/28/2006	10:2137 AM	Fw: Eagleton draft press release
Darrell D. Lee	06/28/2006	10:2138 AM	Fw: Bidder Debrief - Electionline
Darrell D. Lee	06/28/2006	10:0714 AM	Fw: Revised work plan
Darrell D. Lee	06/28/2006	10:0670 AM	Fw: Tally vote document on Eagleton Institute
Darrell D. Lee	06/28/2006	10:0454 AM	Fw: Please send me the latest electronic version of the SOW on the VoterID anc project
Darrell D. Lee	06/28/2006	10:0311 AM	Fw: Statement of Work - Provisional Voting, Voter ID
Dyson, Albert Mr CIV	06/28/2006	10:0231 AM	RE: Air Conditioner (U)
Darrell D. Lee	06/28/2006	09:5939 AM	Fw: Outstanding travel vouchers
Darrell D. Lee	06/28/2006	09:5014 AM	Re: Fw: Eagleton Institute of Politics - July 2005 - Monthly Progress Report
Dyson, Albert Mr CIV	06/28/2006	09:4731 AM	Re: Thursday's schedule
Dyson, Albert Mr CIV	06/28/2006	09:4357 AM	Re: Air Conditioner (U)
Darrell D. Lee	06/28/2006	09:4153 AM	Fw: IFES-PI May Monthly Report to the EAC - May2006.doc

Preview

EAC Office | Karen Lynn-Dyson - S... | DeGregorioFinal.060806 ... | 7:06 PM

AN EXAMPLE OF A MESSAGE W/ AN ATTACHMENT. THE 10:04 AM MESSAGE HAS NO ATTACHMENT, ONLY A IMAGE OF ONE. THERE ARE SOLUTIONS,

025376

The email message shows a picture image of a file – NO file is attached

aren Lynn-Dyson - Sent - Lotus Notes

Edit View Create Actions Help

Welcome | Karen Lynn-Dyson - Provisional... | Karen Lynn-Dyson - Sent... | Fw: Please send me the latest... | > Statement of Work - Provision...

Mail for Karen Lynn-Dyson

New Memo | Forward | Delete | Follow Up | Folder | Copy Into New | Chat | Tools

- Inbox (34)
- Drafts
- Sent
- Follow Up
- Junk Mail
- Trash
- Views
- Folders...
  - 0 - EAC 2007-2(
  - Asian Working Gr
  - Bilingual/Hispanic
  - Bobbie Brinege
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  - Cherrywood HOA
  - Clearinghouse fur
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  - Contracts 06
  - Contracts/Proc
  - D - both IFES anc
  - D - Cleveland S
  - D - IFES (79)...

Follow Up

on EAC-MAIL-02/EAC/GOV

Who	Date	Time	Size	Subject
Gracia Hillman	02/18/2005	12:58 PM	1,276	Re: Job Title
Robert Lynn	02/18/2005	10:22 AM	1,792	Re: FW: HEALTH INTERVIEW
Teresa Colwell	02/18/2005	10:19 AM	5,302	Re: updates
Gracia Hillman	02/17/2005	04:02 PM	49,667	Commissioner approval (by 2/25) of contracting process for work o projects
Carol A. Paquette	02/17/2005	03:40 PM	1,358	Re: Please send me the latest electronic version of the SOW on the project
Troy Griffis	02/17/2005	02:13 PM	4,534	Fw: Please send me the latest electronic version of the SOW on the project
Carol A. Paquette	02/17/2005	02:12 PM	1,175	Please send me the latest electronic version of the SOW on the Vot project
yanceybarbar	02/17/2005	02:11 PM	8,049	Re: GF BuffetTea at The Watergate Hotel. Saturday, April 30, 2005,
Angela Acree	02/17/2005	02:08 PM	7,647	Re: I heard it is GREAT GREAT GREAT!!!!!!! but I will be in PR next
Joyce Wilson	02/17/2005	01:59 PM	1,454	Re: Please submit your leave (sick, annual, without pay, etc) to me
Carol A. Paquette	02/17/2005	01:23 PM	3,327	Fw: Identification of Top Candidate for Research Specialist
Juliet E. Thompson	02/14/2005	12:57 PM	5,676	Fw: Questions on HAVA Section 303
King, Mitch - Washington,	02/11/2005	04:32 PM	1,620	Re: Meeting?
Taylor, Robert C.	02/11/2005	04:27 PM	4,935	RE: Meeting
Sheila A. Banks	02/11/2005	12:21 PM	157,253	Fw: HAVCP addresses for letters
DeAnna M	02/10/2005	06:31 PM	1,498	Re: Preparations for the Ohio Public Hearing

Preview

EAC Office

tart | Karen Lynn-Dyson - S... | DeGregorioFinal.060806... | Document1 - Microsoft ... | 7:07

Karen Lynn-Dyson/EAC/GOV

06/28/2006 10:03 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV@EAC

cc

bcc

Subject Fw: Statement of Work - Provisional Voting, Voter ID

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:01 AM -----

Carol A. Paquette/EAC/GOV

01/30/2005 06:21 PM

To johnwein@rci.rutgers.edu;ireed@rci.rutgers.edu;baruch@rci.rutgers.edu;pnjton@aol.com

cc rmandel@rci.rutgers.edu

Subject Statement of Work - Provisional Voting, Voter ID

John et al. -

Here's a revised SOW for this work. I apologize for the formatting; I'm not the greatest at word processing and couldn't figure out how to undo the Microsoft automatic formatting that kicked in part way through the document. But thought it more important to get you the content and have someone make it pretty later. As indicated earlier, the government cost estimate is preliminary; we're open to discussion with appropriate rationale for another figure. Looking forward to working with you!

STatement of Work - Provisional Voting,Voter ID.doc

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

Karen Lynn-Dyson/EAC/GOV

06/28/2006 10:21 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV@EAC
cc
bcc
Subject Fw: Eagleton draft press release

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

---- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:20 AM ----

Gracia Hillman/EAC/GOV

06/10/2005 02:00 PM

To Jeannie Layson/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV, Paul DeGregorio/EAC/GOV
cc Karen Lynn-Dyson/EAC/GOV, Carol A. Paquette/EAC/GOV, Juliet E. Thompson/EAC/GOV, "Tom Wilkey" <twilkey@nycap.rr.com>
Subject Re: Eagleton draft press release

I have some concerns about the press release. In paragraph two, I am not comfortable with the following language in what I believe is paragraph two: Under the national contract, the institute will develop recommendations for EAC to issue as guidance to the states to use in 2006.

It seems to me that EAC will develop the guidance based on Eagleton's findings.

Also, I do not think the press release should contain the list of questions. Are they/we trying to float a trial balloon and elicit initial reaction at this early stage of the study??

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: Jeannie Layson
Sent: 06/10/2005 12:57 PM
To: Gracia Hillman; Raymundo Martinez; Paul DeGregorio
Cc: Karen Lynn-Dyson; Carol Paquette; Juliet Thompson
Subject: Eagleton draft press release

Commissioners,
Below is a draft of a press release Eagleton wants to distribute regarding the EAC contract. (It's also attached.) Please let me know if you have edits/changes. Also, take a close look at the language regarding the scope for the voter ID study to make sure it is acceptable.

Deliberative Process Privilege

DRAFT FOR APPROVAL

EAGLETON INSTITUTE OF POLITICS WINS $560,000 CONTRACT FROM U.S. ELECTION ASSISTANCE COMMISSION

Rutgers Institute to Study Provisional Voting, Voter Identification Procedures

NEW BRUNSWICK/PISCATAWAY, N.J. – The U.S. Election Assistance Commission (EAC) has awarded the Eagleton Institute of Politics at Rutgers, The State University of New Jersey, a $560,000 contract to study provisional voting and voter identification procedures based on experiences from the 2004 election.

Under the national contract, the institute will develop recommendations for EAC to issue as guidance to the states to use in 2006, according to Eagleton Director Ruth B. Mandel, the study's principal investigator. She added that the Moritz College of Law at Ohio State University, Eagleton's partner in the contract application, will be responsible for the legal analysis of the competitively bid, seven-month project.

Eagleton already is home to an extensive civic education and political participation program, with several projects aimed at increasing voter turnout, political participation and Americans' involvement in civic life.

EAC was established by the Help America Vote Act (HAVA) of 2002. It is an independent, bipartisan agency and provides federal funds to states to upgrade voting systems and improve election administration. It publishes voluntary guidelines for the states and serves as a national clearinghouse of information regarding election administration.

The Eagleton project team, led by Mandel, includes Ingrid W. Reed, John Weingart and consultant Thomas O'Neill, retired president of the Partnership for New Jersey, who will serve as project director. The project will address key questions related to provisional voting and voter identification in the context of effective election administration, voter access and ballot security.

Questions include:

- Did the states have in place clear and uniform written procedures, guidelines and instructions to govern the casting and counting of provisional ballots?

- Did local procedures reflect the state's uniform procedures?
- Did all states and election jurisdictions make these procedures available to the public, political parties and candidates before the election?

- To what extent were poll workers appropriately trained on how to administer provisional ballots, including establishing the identity of the potential voter seeking a provisional ballot?

- How were federal funds under the Help America Vote Act used to educate voters about their rights to cast a provisional ballot and where such provisional ballots must be cast to be

counted?

- In states where a provisional ballot had to be cast at the voter's assigned polling place or precinct, was information available to poll workers to allow them to determine the voter's assigned precinct and polling place?

- Did states have mechanisms in place to inform voters casting provisional ballots whether their vote was counted and whether they are now registered for subsequent elections?

Eagleton will address these questions by examining the nation's experience with provisional voting and voter identification requirements and practices in 2004 through extensive research including a survey of local election officials across the country. In addition, the work will be informed by scrutiny from a panel of peer reviewers as well as by comments offered at public hearings to be held in conjunction with the project.
At the contract's conclusion, the team will present a narrative on both topics, indexed databases of major articles on provisional voting and voter identification requirements, summaries of case law on each subject, analyses of provisional voting procedures from around the country and of voter participation and vote fraud under various voter ID requirements, and a report of alternatives to existing practices and procedures.

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
06/28/2006 10:53 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Notification to Bidders

Electionline.org unsuccessful bidder de-brief.

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:51 AM -----

"Doug Chapin"
<dchapin@electionline.org>
06/06/2005 07:56 AM

To nmortellito@eac.gov
cc cpaquette@eac.gov, klynndyson@eac.gov
Subject RE: Notification to Bidders

Let's do the afternoon of June 16th. I'll pencil it in for 2pm but feel free to adjust to your schedule(s).

Thanks.

Doug Chapin

From: nmortellito@eac.gov [mailto:nmortellito@eac.gov]
Sent: Friday, June 03, 2005 4:52 PM
To: Doug Chapin
Cc: cpaquette@eac.gov; klynndyson@eac.gov
Subject: RE: Notification to Bidders

Mr Chapin:

Carol has time to do a debrief with you on the afternoon of the 15th, the afternoon of the 16th or any time on the 17th of June. Please advise as to your availability.

Regards,

Nicole K. Mortellito
Assistant to the Interim Executive Director
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone

202.566.3127 fax

"Doug Chapin" <dchapin@electionline.org>

06/03/2005 02:21 PM

To cpaquette@eac.gov
cc nmortellito@eac.gov
Subject RE: Notification to Bidders

I would like a debrief on this procurement.

Doug Chapin
Director, electionline.org

From: nmortellito@eac.gov [mailto:nmortellito@eac.gov]
Sent: Friday, June 03, 2005 2:12 PM
To: Doug Chapin
Subject: Notification to Bidders

Notification to bidders

You are hereby advised that the U.S. Election Assistance Commission (EAC) has competitively awarded a contract to the Eagleton Institute of Politics at Rutgers, The State University of New Jersey for research assistance to support the development of guidance on the two topics of provisional voting and voter identification procedures. Eagleton is partnering with the Moritz College of Law of Ohio State University for this work effort. The amount of this award is $560,002.

EAC appreciates the interest you have expressed in supporting our research agenda by submitting a proposal for this work. Should you wish to receive a de-brief on this procurement, please contact Carol A. Paquette, Interim Executive Director, by email at **cpaquette@eac.gov.**

Regards,

Nicole K. Mortellito
Assistant to the Interim Executive Director
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC

202.566.3114 phone
202.566.3127 fax

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:52 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: June 30 Hearing Panelists

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:50 AM -----

"Tom O'Neill"
<[redacted]
06/02/2005 05:30 PM

To jthompson@eac.gov
cc ireed@rutgers.edu, "Edward Foley" <foley.33@osu.edu>, klynndyson@eac.gov
Subject June 30 Hearing Panelists

Julie:

Thanks for you call. Our conversation helped me crystallize further the recommendations we will make to the Commission about the material to be covered at the hearing.

I believe we will recommend two panels of 3 or 4 people each for the June 30 hearing. One will cover the relatively narrow HAVA Voter ID requirements with presentations by 2 state-level voting administrators with contrasting experiences. The contrast between Michigan and Pennsylvania might prove especially instructive because it would demonstrate the relationship between the quality of the data base and requirements for voter identification. Since the hearing is being held in Manhattan, perhaps inviting a speaker from New York instead of Pennsylvania would make sense. I'd appreciate your thoughts on that.

Two other speakers could address the issue of broader Voter ID requirements to reduce vote fraud by requiring some form of identification for each voter at the polling place. The experience in Mississippi over the past 5 years has been particularly dramatic, as illustrated by the attached news article from the local press last year. As we discussed, inviting the 2 legislators profiled in the article might make for powerful testimony.

The final 2 speakers we believe should be academics who have studied the relationship between Voter ID regimes, voter participation and vote fraud and who have conflicting evidence and conclusions to offer. We have found at least two university based

researchers who can present the view that stricter Voter ID requirement do not reduce vote fraud and do dampen participation. We have not yet identified a researcher from the other end of the spectrum, but we are looking actively. Your suggestions would be most welcome.

Below is our current list of possibilities for your review.

Tom

JUNE 30 HEARING
POSSIBLE PANELISTS OR TOPICS

Possible States to be represented by one or more panelists

Mississippi
Debate over voter id issues has been dramatic. The resonance of Mississippi on voting issues would lend interest to the testimony. Voter id legislation was not approved in the current legislative session and has been a source of contention at least since 1999.

Michigan
Strong database state; lax Voter ID requirements don't seem to present as much of a problem (although one hears rumors about Detroit); interesting contrast to NY. With Pennsylvania would present contrasts in the importance of the Statewide Voter Data Base

New York
Had a significant problem with provisional ballots, suggesting that their relatively lax ID rules might be problematic; also Tom Wilkey will have good contacts there. The hearing is there.

Pennsylvania
Relatively lax ID rules and apparently quite a few problems with provisional ballots in 2004. Had start up problems with its data base and would offer comparisons between counties where the data base was well established and those where is new. Should be weighed against New York for inclusion as a contrast with Michigan

Wisconsin
Governor Doyle vetoed the legislature's first attempt at tightening voter ID requirements, and instead offered a package to recruit and train more qualified poll workers and calls for improvements in voter registration procedures.

Academics on Voter ID, Turnout, and Vote Fraud

Spencer Overton
Professor, GWU Law School. Has written op-eds arguing that the empirical research is insufficient to support the need for more ID to reduce fraud. He is working on a book on the topic.

John Fortier
Research Fellow at the American Enterprise Institute. Recommended by Norm Ornstein. Google revealed no publications on this topic by Fortier.

Lorraine C. Minnite
Assistant Professor of Political Science, Barnard College. Lead researcher of the Demos election fraud study and researcher in immigrant voting patterns. Found that the incidence of fraud perpetrated by individual voters in the United States was very low and had a minimal impact on election outcomes.

Guy-UrielCharles
Associate Professor of Law, Center for the Study of Political Psychology University of Minnesota. His areas of interest incoude Election Law and Election Law Disputes and African American Voting Concerns. He is a member of the National Research Commission on Elections and Voting of the Social Science Research Council

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:52 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Arrangements for June 30 Meeting

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:50 AM -----

"Tom O'Neill"
[redacted]
06/01/2005 10:47 PM

To jthompson@eac.gov
cc klynndyson@eac.gov
Subject Arrangements for June 30 Meeting

Julie,

Karen Lynn-Dyson suggested I consult directly with you about arrangements for the Commission's June 30 meeting in New York. As I understood our discussions in Washington last week, as your consultants we will be responsible for organizing the portion of the meeting that will cover the Voter Identification issue, while EAC staff will organize the regular meeting of the Commissioners. Is that understanding correct?

Because time is short, we know we must move quickly on the arrangements.

1. Does the EAC have a preference for a venue for the meeting? Have any arrangements --preliminary or otherwise-- been made to secure that facility? If not, I assume EAC would prefer a public building or an academic setting such as the auditorium you used at the law school in Columbus.

2. Has the EAC made arrangements for a transcriber to record the meeting of the Commissioners? If so, is it the EAC's intention that we will use the same transcriber for the panel? If not, should we arrange for a transcriber for the entire day? Are there federal rules on payments for transcription services that we should follow?

3. Will EAC support staff attend the hearing to sign in those attending, issue name tags, etc., or are these duties that we should be prepared to carry out?

4. Will the EAC issue the news release about the meeting and the panel?

5. What do federal regulation indicate that I may offer speakers we bring in from

these states in terms of travel, accommodations, meals, etc? Will speakers have to pay for their travel and accommodations and then request reimbursement or can we pay their bills directly?

These are the states we are currently evaluating for the Voter ID presentations: Arizona, California, Mississippi, .Michigan, New York, Pennsylvania, and Wisconsin. We may pick 4 of these, or fewer if we determine that one state should have two panelists representing different viewpoints: Karen tells me you have been working with several of these, and your counsel would sharpen the judgment we bring to bear on our selection. I am particularly interested in the Mississippi experience and would like to discuss that with you. . .perhaps by phone. The project team is aiming to agree on a panel of speakers to submit to the the EAC early next week. Panelists should receive their invitations at least two weeks in advance (more would be better), especially if we want to get onto their schedules.

I will be in a meeting tomorrow from 10:30 -- 1:00 p.m. but will be available the rest of the day for a phone conversation. My cell phone --on which you can always reach me-- is 908-794-1030.

Tom O'Neill

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:49 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: project kickoff meeting with EAgleton Institute

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:47 AM -----

Carol A. Paquette/EAC/GOV
05/17/2005 06:34 PM

To Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC
Subject project kickoff meeting with EAgleton Institute

Commissioners -

We have tentatively scheduled May 26 at 2:30 for a kickoff meeting here with Eagleton Institute. What will happen at this meeting is Eagleton will introduce their key people and make a brief presentation on their approach to performing the provisional voting and voter ID studies. It will be an opportunity to ask questions, raise any concerns, and/or provide guidance as they begin this work. Please advise if you wish to attend this meeting. I expect it will last about an hour.

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

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:46 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Prov Voting and Voter ID Reports

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:44 AM -----

Bert A. Benavides/EAC/GOV
06/19/2006 05:08 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc "Thomas O'Neill" [redacted], Thomas R. Wilkey/EAC/GOV@EAC
Subject RE: Prov Voting and Voter ID Reports

Karen, by copy I am attaching the referenced letter sent to Peter Weingart on 6-15-06.

Eagleton - Weingart, 6-16-06.doc

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
06/19/2006 04:51 PM

To "Thomas O'Neill"
[redacted]
cc Bert A. Benavides/EAC/GOV@EAC
Subject RE: Prov Voting and Voter ID Reports

Tom-

Will ask Tom's office to get you a copy.

Regards-

K

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

Deliberative Process Privilege

U. S. ELECTION ASSISTANCE COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005

June 15, 2006

Mr. John Weingart, Associate Director
Eagleton Institute of Politics
Rutgers University
191 Ryders Lane
New Brunswick NJ 08901-8557

Dear Mr. Weingart:

During a recent briefing by staff, the EAC discussed and reviewed possible next steps with the provisional voting and voter identification studies as well as the Eagleton contract which is scheduled to conclude on June 30, 2006.

We were in agreement that Eagleton's work on the EAC contract should conclude, as scheduled, by June 30, 2006. In preparation for this conclusion, the EAC requests that the comments and suggestions which were noted during the EAC's recent Board of Advisors and Standards Boards meeting (and were described in Mr. O'Neil's June 8, 2006 letter to Chairman DeGregorio) be included in the final draft report on provisional voting which Eagleton will deliver to the EAC on or about June 30, 2006. The Commissioners have determined that they will take this final draft report and, from it, may develop guidance and best practice recommendations that will be presented to the Board of Advisors and Standards Boards for further review.

The EAC Commissioners have also reviewed and considered next steps with the voter identification draft report which Eagleton has prepared. While the final disposition of the results and findings of this study, on the part of the EAC, are still unclear, the Commissioners have asked that the final draft report of this study also be prepared and submitted to the EAC not later than June 30, 2006.

We look forward to receiving these reports. On behalf of the EAC thank you for the considerable time and energy which the Eagleton/Moritz team has devoted to these critical election issues.

Sincerely,

Thomas R. Wilkey

"Thomas O'Neill" [redacted]

"Thomas O'Neill"
[redacted]
06/19/2006 04:30 PM

To klynndyson@eac.gov
cc
Subject RE: Prov Voting and Voter ID Reports

Karen,

I have not heard from Tom Wilkey. If he signed the letter you drafted for him last Tuesday, could you email me a copy while we await the arrival of the hard copy by mail. I probably don't need to remind you that we have only 11 days left on this contract and need to know how we should move ahead to complete it.

Tom O'Neill

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]
Sent: Friday, June 16, 2006 9:33 AM
To: tom_oneill@verizon.net
Subject: Re: Prov Voting and Voter ID Reports

Tom-

On Tuesday I drafted a letter for the Executive Director's signature.
He should be in touch today or Monday at the latest.

Regards-

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

"Thomas O'Neill" [redacted]

06/16/2006 08:49 AM

To klynndyson@eac.gov
cc
Subject Prov Voting and Voter ID Reports

Karen,

Could you please give me your reading of the status of a response to our letter last week that raised some issues for resolution by the Commission on the completion of our work during the final few weeks of the contract period. The Team needs to know how to proceed during the remaining 2 weeks of the project.

Thanks,

Tom O'Neill

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:45 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Letter to Commissioner DeGregorio

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:43 AM -----

"John Weingart"
<john.weingart@rutgers.edu>
06/08/2006 10:31 AM
Please respond to
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>
cc "Tom O'Neill" <[redacted]
Subject Letter to Commissioner DeGregorio

DeGregorioFinal.060806.doc Karen - I am attaching a copy of a letter we are just faxing and mailing
to Commissioner DeGregorio. Thanks, John

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

Deliberative Process Privilege

EAGLETON INSTITUTE OF POLITICS

Paul S. DeGregorio
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
Fax: (202) 566-3127

June 8, 2006

Dear Chairman DeGregorio:

Karen Lynn-Dyson relayed the Commission's decision in your meeting of June 1 to take more time to consider how to proceed with the delivery of EAC research reports on provisional voting and voter identification.

The Eagleton-Moritz research team, of course, encourages the Commission's thoughtful consideration of the two reports, but we are mindful of the need to deliver revised documents that respond to the Commission's comments by the close of our contract on June 30th. We believe that if we receive the Commission's final comments on the Provisional Voting report by June 19 we will be able to complete any additional work that the Commission might request and incorporate the results in our final reports before the end of the contract period.

Based on suggestions raised at the meetings, we already plan to supplement the Provisional Voting report with some brief, additional information about the influence of the fail-safe ballot provisions of the National Voting Rights Act on the experience with provisional voting in 2004.

We understand that the Commission must submit the final draft Voter ID report to the same review process by your advisory boards as was followed with the Provisional Voting paper. We understand that step is a prerequisite for wider release. We would appreciate your advice on how to handle this review, given the rapidly approaching end of our contract.

We hope the commission will use both reports, as intended from the outset of this project, as the basis for recommendations for better, if not best, practices to the states. If the Commission cannot decide to issue such recommendations to the states, we hope it will promptly release the reports to provide the states and the broader elections community with this information, analysis and perspective on the issues.

We recognize, based on the reactions at the meetings of the Standards Board and, particularly, the Board of Advisors, that some of the findings, conclusions, and recommendations of the reports will be controversial with some of the Commission's constituencies. But we also believe, based on the comments of the Peer Review Group, the advisors assembled by the Commission, and our response to their critiques, that the reports are grounded on solid research by a well-qualified, nonpartisan team and that the reports will provide new information for the policy process. We believe this information will contribute to achieving the EAC mission of providing helpful information that the states may or may not choose to implement.

191 RYDERS LANE, NEW BRUNSWICK, NJ 08901-8557

Tel: (732) 932-9384
Fax: (732) 932-6778

THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS

E-mail: eagleton@rcl.rutgers.edu
Web: www.eagleton.rutgers.edu

025996

The information in the reports can improve the policy process by raising the level of debate over increasingly volatile issues related to election administration. We believe our reports will prove useful to the states as they complete preparations for the 2006 elections. Moreover, the elections community is aware of this work, and awaits the analysis and conclusions.

We look forward to working with you to conclude this research in a way that will serve the public interest.

Very truly yours,

Thomas M. O'Neill
Project Director

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:45 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Presentations at the EAC Governing Boards

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:43 AM -----

"Tom O'neill"
[redacted]
05/22/2006 03:39 PM

To klynndyson@eac.gov
cc asherrill@eac.gov, jthompsonhodgkins@eac.gov
Subject RE: Presentations at the EAC Governing Boards

Karen,

The PowerPoint presentations for the Standards Board and the Advisory Board are attached. See you tomorrow.

Tom O'Neill

-----Original Message-----
From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]
Sent: Monday, May 22, 2006 3:18 PM
To: [redacted]
Cc: asherrill@eac.gov; jthompsonhodgkins@eac.gov
Subject: RE: Presentations at the EAC Governing Boards

Hi Tom-

Just checking to see if your Power Point slides might be ready.

When they are, please send them on to me and hit Reply to All as Julie Hodgkins and Amie Sherrill (the Chairman's Special Assistant) would like copies before the presentation.

Thanks

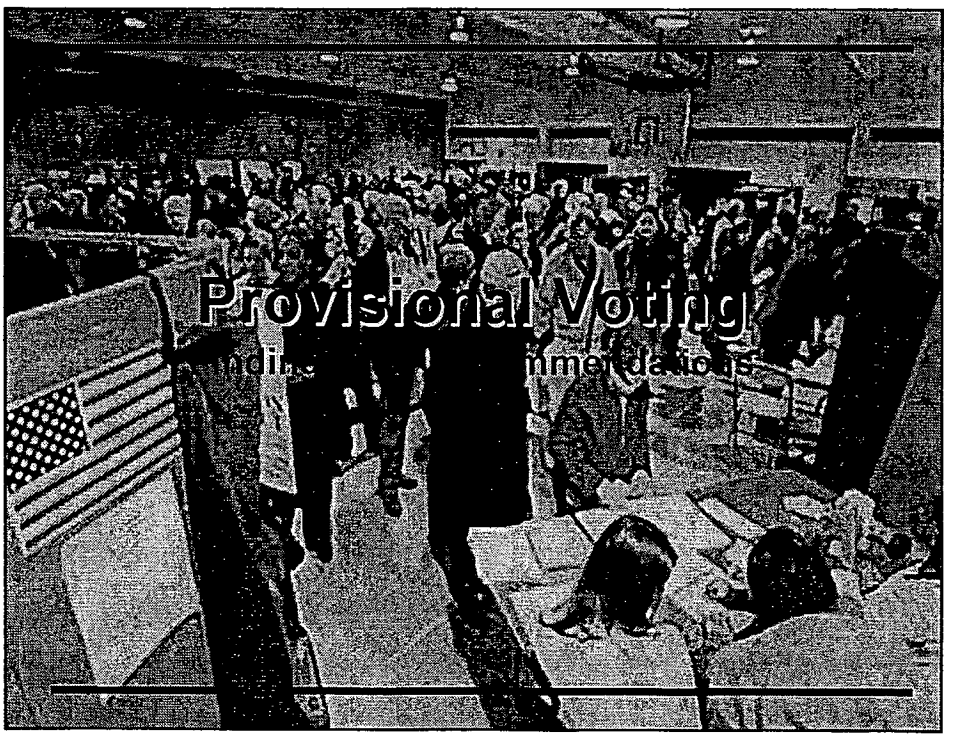
BriefinfgPVADVBD524.ppt BriefinfgPVSTDBD523.ppt

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission

1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Briefing for
U. S. Election Assistance Commission
Board of Advisors

May 24 , 2006



025400

EAGLETON INSTITUTE OF POLITICS

Rutgers, The State University of New Jersey

MORITZ COLLEGE OF LAW · THE OHIO STATE UNIVERSITY

Project Management Team

Dr. Ruth B. Mandel, Director. Eagleton Institute of Politics
Board of Governors Professor of Politics
Principal Investigator and Chair of the Project Management Team

Edward B. Foley, Robert M. Duncan/Jones Day Designated Professor of Law
The Moritz College of Law
Director of Election Law @ Moritz

Ingrid Reed. Director of the New Jersey Project
The Eagleton Institute of Politics

Daniel P. Tokaji, Assistant Professor of Law
The Moritz College of Law

John Weingart, Associate Director
The Eagleton Institute of Politics

Thomas M. O'Neill, Consultant
The Eagleton Institute of Politics
Project Director

QUESTIONS RAISED BY THE EAC

1. How did states prepare for HAVA's provisional voting requirements?
2. How did preparation and performance vary between states that had previously had some form of Provisional Ballot and those did not?
3. How did litigation affect the implementation of Provisional Voting?
4. How effective was provisional voting in enfranchising qualified voters?
5. Did State and local processes provide for consistent counting of provisional ballots?
6. Did local election officials have a clear understanding of how to implement provisional voting?

TO ANSWER THOSE QUESTIONS

- ❑ Surveyed 400 local election officials
- ❑ Reviewed the EAC's Election Day Survey
- ❑ Analyzed states' experience with provisional voting:
  - --use of statewide registration database
  - --treatment of out-of-precinct ballots
  - --use of different approaches to voter ID
  - --consistency
  - --time period allowed for ballot evaluation
- ❑ Collected provisional voting statutes and regulations
- ❑ Analyzed litigation

Variation among the states

- In 2004 nationwide about 1.9 million provisional ballots cast, 1.2 million , or just over 63%, were counted.

- The percentage of provisional ballots in the total vote varied by a factor of 1,000 -- from a high of 7% in Alaska to Vermont's 0.006%.

- The portion of provisional ballots cast that were counted ranged from 96% in Alaska to 6% in Delaware.

Some sources of variation among states

Experience

Share of provisional ballots in the total vote was 6 times greater in states that had used provisional ballots before than in states where the provisional ballot was new.

Administrative Arrangements

Time to evaluate ballots

--States that provided less than one week counted an average of 35.4% of their ballots.

--States that permitted more than 2 weeks counted 60.8%.

Voter registration data bases

-- States with voter registration databases counted an average of 20% of the provisional ballots cast.

-- States without databases counted 44%.[

Variation within states

Rate of counting provisional ballots varied by as much as 90% to 100% among counties in the same state.

Resources available to administer provisional voting varied considerably among and within states.

The Election Day Study found that staffing problems appeared to be particularly acute for jurisdictions in the lowest income and education categories.

1. How did states prepare for HAVA's provisional voting requirements?

Most election officials received provisional voting instructions from state government. The type and amount of instruction received varied widely across the states.

Almost all provided training or written instruction to precinct-level poll workers on how to administer provisional ballots.

2. How did preparation and performance vary between states that had previously had some form of provisional ballot and those that did not?

18 states were new to provisional voting; 25 others had experience.

Local election officials in the "old" states felt more confident.

Provisional ballots in "old states": more than 2% of the total vote, 4 times the proportion in "new" states.

Counting provisional ballots in the final vote, the "old" states averaged 58% nearly double the average (33%) in "new" states.

Question 3: How did litigation affect the implementation of Provisional Voting?

Pre-election litigation clarified voters' rights to:

- Sue in federal court to remedy violations of HAVA
- Receive provisional ballots, even though they would not be counted
- Be directed to the correct precinct
- Most pre-election litigation occurred too late to influence how states implemented provisional voting.

4. How effective was provisional voting in enfranchising qualified voters?

Provisional ballots enfranchised 1.2 million voters, or 1.01% of turnout, who otherwise would have been turned away.

The number of voters who could be helped by provisional voting may be about 2.5 – 3 million. Provisional voting might be about 50% effective.

There is room for improvement.

Question 5: Did State and local processes provide for consistent counting of provisional ballots?

Little consistency existed among and within states.

"New" states with registration databases counted 20% of the ballots cast. Those without databases counted more than double that rate (44%).

States that allowed out-of-precinct ballots counted 56% of the provisional ballots, 42% for in-precinct states.

States that provide a longer the time to evaluate provisional ballots counted a higher proportion of those ballots.

Less than 1 week:	58.6%
1 – 2 weeks:	65.0%
More than 2 weeks:	73.8%.

Question 6: Did local election officials have a clear understanding of how to implement provisional voting?

8 out of 10 county-level elections officials reported receiving instructions from their state government

4 out of 10 local election officials felt poll workers needed more training to understand their responsibilities

Objectively, how well did the process appear to be managed?

Lack of consistency among and within states indicates wide differences in understanding by election officials.

The number of states that have amended statutes on provisional voting to include poll worker training is a sign of dissatisfaction with the level of understanding in 2004.

RECOMMENDATIONS TO THE EAC

BEST PRACTICES

The importance of clarity

EAC should emphasize the importance of clarity in the rules by which each state governs provisional voting. Does the provisional ballot system:

1. Distribute, collect, record, and tally provisional ballots with sufficient accuracy to be seen as procedurally legitimate by both supporters and opponents of the winning candidate?

2. Place administrative demands on local jurisdictions that are realistically related to the staff and other resources available?

3. Display variation within the state great enough to cause concern that the system may not be administered uniformly from county to county?

Lessons of litigation for achieving clarity

Look to litigation from the 2004 election to shape new statutes or regulations that will increase the clarity of provisional voting procedures, increase predictability, and bolster confidence in the system.

1. Litigation clarified the right of voters to receive provisional ballots, even though the election officials were certain they would not be counted.

2. Lawsuits prompted election officials to take better care in instructing precinct officials on how to notify voters about the need to go to the correct precinct in order to cast a countable ballot.

EAC should recommend to the states that they:

- ❑Promulgate clear standards for evaluating provisional ballots, and provide training for the officials who will apply those standards.

- ❑Provide materials for local jurisdictions to train poll workers on such procedures as how to locate polling places for potential voters who show up at the wrong place.

- ❑Make clear that the only permissible requirement to obtain a provisional ballot is an affirmation that the voter is registered in the jurisdiction and eligible to vote in an election for federal office.

  -- Provide poll workers the training they need to understand their duty to give those voters a provisional ballot.

Assess each stage of the provisional voting process

Before the election

•Clear information for voters on websites and in sample ballots.

•Training materials in every jurisdiction make poll workers familiar with the options available to voters.

At the polling place

•Design of provisional ballot

•Estimate supply of provisional ballots needed at polling places.

Evaluating provisional ballots

•Define and adopt a reasonable period for voters who lack ID or other eligibility information bearing to provide it.

•A voter's provisional ballot should count so long as the voter cast that ballot at the correct polling site even if at the wrong precinct within that location.

•Follow written procedure or checklist to record why a provisional ballot is rejected.

Assess each stage of the provisional voting process

Post-election

Best practice is for states to consider how to complete all steps in the evaluation of ballots and challenges to those determinations within the five weeks available in presidential elections.

Provide timely information to voters about the disposition of their provisional ballot.

- Are they now registered for future elections?
- If not, what they need to do to become registered?

Conclusion

This systematic analysis constitutes a quality improvement program for provisional voting, one that holds promise for every state.

Briefing for

U. S. Election Assistance Commission Advisory and Standards Board

DISCUSSION AND QUESTIONS

May 2006

Briefing for

U. S. Election Assistance Commission
Standards Board

May 23 , 2006

025409

EAGLETON INSTITUTE OF POLITICS

Rutgers, The State University of New Jersey

MORITZ COLLEGE OF LAW THE OHIO STATE UNIVERSITY

Project Management Team

Dr. Ruth B. Mandel, Director. Eagleton Institute of Politics
Board of Governors Professor of Politics
Principal Investigator and Chair of the Project Management Team

Edward B. Foley, Robert M. Duncan/Jones Day Designated Professor of Law
The Moritz College of Law
Director of Election Law @ Moritz

Ingrid Reed. Director of the New Jersey Project
The Eagleton Institute of Politics

Daniel P. Tokaji, Assistant Professor of Law
The Moritz College of Law

John Weingart, Associate Director
The Eagleton Institute of Politics

Thomas M. O'Neill, Consultant
The Eagleton Institute of Politics
Project Director

QUESTIONS RAISED BY THE EAC

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Administrative Arrangements

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--States that permitted more than 2 weeks counted 60.8%.

Voter registration data bases

-- States with voter registration databases counted an average of 20% of the provisional ballots cast.

-- States without databases counted 44%.

Variation within states

Rate of counting provisional ballots varied by as much as 90% to 100% among counties in the same state.

Resources available to administer provisional voting varied:

--The Election Day Study found that staffing problems appeared to be particularly acute for jurisdictions in the lowest income and education categories.

--Small, rural jurisdictions and large, urban jurisdictions reported higher rates of an inadequate number of poll workers

--Jurisdictions in poor areas reported more inactive voter registrations and more provisional ballots cast.

--Richer areas had more poll workers per polling place and reported lower rates of staffing problems per precinct.

1. How did states prepare for HAVA's provisional voting requirements?

Most election officials received provisional voting instructions from state government. The type and amount of instruction received varied widely across the states.

Almost all provided training or written instruction to precinct-level poll workers on how to administer provisional ballots.

- **Only about 1 in 10 made available to poll workers a voter registration database.**
- **Almost equally rare were training and written procedures for poll workers on the counting of provisional ballots.**

2. How did preparation and performance vary between states that had previously had some form of provisional ballot and those that did not?

Local election officials in the "old" states felt more confident.

18 states were new to provisional voting; 25 others had experience.

"New" state officials felt:

-- Voters did not receive enough information about where to cast a provisional ballot in order to be counted.

-- More funding was needed to educate voters about their rights to cast a provisional ballot.

Provisional ballots in "old states" : more than 2% of the total vote, 4 times the proportion in "new" states.

Counting provisional ballots in the final vote, the "old" states averaged 58% nearly double the average (33%) in "new" states.

Question 3: How did litigation affect the implementation of Provisional Voting?

Pre-election litigation clarified voters' rights to:

- Sue in federal court to remedy violations of HAVA
- Receive provisional ballots, even though they would not be counted
- Be directed to the correct precinct
- Most pre-election litigation occurred too late to influence how states implemented provisional voting.

4. How effective was provisional voting in enfranchising qualified voters?

Provisional ballots enfranchised 1.2 million voters, or 1.01% of turnout, who otherwise would have been turned away.

The number of voters who could be helped by provisional voting may be about 2.5 – 3 million. Provisional voting might be about 50% effective.

There is room for improvement.

Legislative activity gives evidence that states were not satisfied with the effectiveness of their provisional voting systems.

Those voting with provisional ballots in states with experience were enfranchised more frequently than those in the "new" states.

Question 5: Did State and local processes provide for consistent counting of provisional ballots?

Little consistency existed among and within states.

The use of provisional ballots was not distributed evenly across the country. A few states accounted for most of the ballots cast.

Share of provisional ballots in the total vote was six times greater in experienced states than in new states.

More rigorous the state's Voter ID requirements the smaller the percentage of provisional ballots that were counted.

"New" states with registration databases counted 20% of the ballots cast. Those without databases counted more than double that rate (44%).

Question 5: Did State and local processes provide for consistent counting of provisional ballots?

In-precinct versus out-of-precinct states had different outcomes.

States that allowed out-of-precinct ballots counted 56% of the provisional ballots.

States that recognized only ballots cast in the proper precinct counted an average of 42% of provisional ballots cast.

In "old" states, this difference was greater.

52% of ballots cast were counted in states requiring in-district ballots, 70% were counted in those allowing out-of-precinct ballots.

Question 5: Did State and local processes provide for consistent counting of provisional ballots?

States that provide a longer the time to evaluate provisional ballots counted a higher proportion of those ballots.

14 states permitted less than 1 week :	35.4%
15 states permitted 1 – 2 weeks:	47.1%
14 states permitted more than 2 week:	60.8%.

Effect felt most strongly in states where more than 1% of the overall turnout was of provisional ballots.

Less than 1 week:	58.6%
1 – 2 weeks:	65.0%
More than 2 weeks:	73.8%.

Question 5: Did State and local processes provide for consistent counting of provisional ballots?

Conclusions

States have latitude in how they meet HAVA requirements.

A considerable degree of variation among the states is to be expected.

If that variation stems from differences in political culture among the states, it is likely to persist. If it reflects a learning curve for "new" states, consistency may increase more quickly.

Question 6: Did local election officials have a clear understanding of how to implement provisional voting?

8 out of 10 county-level elections officials reported receiving instructions from their state government

4 out of 10 local election officials felt poll workers needed more training to understand their responsibilities

Objectively, how well did the process appear to be managed?

Lack of consistency among and within states indicates wide differences in understanding by election officials.

The number of states that have amended statutes on provisional voting to include poll worker training is a sign of dissatisfaction with the level of understanding in 2004.

RECOMMENDATIONS TO THE EAC

BEST PRACTICES

The importance of clarity

EAC should emphasize the importance of clarity in the rules by which each state governs provisional voting. Does the provisional ballot system:

1. Distribute, collect, record, and tally provisional ballots with sufficient accuracy to be seen as procedurally legitimate by both supporters and opponents of the winning candidate?

2. Place administrative demands on local jurisdictions that are realistically related to the staff and other resources available?

3. Display variation within the state great enough to cause concern that the system may not be administered uniformly from county to county?

Lessons of litigation for achieving clarity

Look to litigation from the 2004 election to shape new statutes or regulations that will increase the clarity of provisional voting procedures, increase predictability, and bolster confidence in the system.

1. Litigation clarified the right of voters to receive provisional ballots, even though the election officials were certain they would not be counted.

2. Lawsuits prompted election officials to take better care in instructing precinct officials on how to notify voters about the need to go to the correct precinct in order to cast a countable ballot.

EAC should recommend to the states that they:

- ❑ Promulgate clear standards for evaluating provisional ballots, and provide training for the officials who will apply those standards.

- ❑ Provide materials for local jurisdictions to train poll workers on such procedures as how to locate polling places for potential voters who show up at the wrong place.

- ❑ Make clear that the only permissible requirement to obtain a provisional ballot is an affirmation that the voter is registered in the jurisdiction and eligible to vote in an election for federal office.

  -- Provide poll workers the training they need to understand their duty to give those voters a provisional ballot.

EAC should recommend quality improvement

Begin a systematic quality improvement program by collecting data on the provisional voting process. Data collected should include:

- ❑Specific reasons why provisional ballots were not counted
- ❑Measures of variance among jurisdiction
- ❑Time required to evaluate ballots by jurisdiction
- ❑Provisional votes cast and counted by jurisdiction

Assess each stage of the provisional voting process

Before the election
•Clear information for voters on websites and in sample ballots.
•Training materials in every jurisdiction make poll workers familiar with the options available to voters.

At the polling place
•Design of provisional ballot
•Estimate supply of provisional ballots needed at polling places

Evaluating provisional ballots
•Define and adopt a reasonable period for voters who lack ID or other eligibility information bearing to provide it.
•A voter's provisional ballot should count so long as the voter cast that ballot at the correct polling site even if at the wrong precinct within that location.
•Follow written procedure or checklist to record why a provisional ballot is rejected.

Assess each stage of the provisional voting process

Post-election

Best practice is for states to consider how to complete all steps in the evaluation of ballots and challenges to those determinations within the five weeks available in presidential elections.

Provide timely information to voters about the disposition of their provisional ballot.

-- Are they now registered for future elections?
-- If not, what they need to do to become registered?

Briefing for

U. S. Election Assistance Commission

Advisory and Standards Board

DISCUSSION AND QUESTIONS

May 2006

025421

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:43 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Voter ID Paper --Final Draft

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:42 AM -----

Thomas R. Wilkey/EAC/GOV
04/28/2006 12:50 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: Voter ID Paper --Final Draft

Karen,
Was this part of the contract. I thought their was a peer review group in place,

---
Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 04/28/2006 12:44 PM
To: Tom O'neill" <[redacted]
Cc: arapp@rci.rutgers.edu; davander@eden.rutgers.edu; dlinky@rci.rutgers.edu; foley.33@osu.edu; ireed@rutgers.edu; 'Johanna Dobrich'" <jdobrich@eden.rutgers.edu>; joharris@eden.rutgers.edu; john.weingart@rutgers.edu; [redacted] rmandel@rci.rutgers.edu; Tim Vercellotti" <tim.vercellotti@rutgers.edu>; tokaji.1@osu.edu
Subject: Re: Voter ID Paper --Final Draft

Tim, Tom, John, et.al--

The EAC has identified three academics who are going to serve as peer reviewers of the Eagleton Voter ID paper and research.

They are Jonathan Nagler of New York University, Jan Leighley, University of Arizona, and Adam Berinsky of MIT.
They are ready to review the documents as soon as they are available.

I would like to them one week to review the material and then have a joint conference call on **Thursday, May 11**, in which we would all have an opportunity to discuss the research methodology and statistical analysis, along with general comments and suggestions.

If you are able to get to me the paper and the supporting data analysis, I will distribute to the documents ASAP.
Also let me know, if you would, your availability on May 11 to do this conference all.

I anticipate that it will last approximately 90 minutes.

Regards-

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

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:42 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: No-Cost Extension Request

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---- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:40 AM ----

"John Weingart"
<john.weingart@rutgers.edu>
04/21/2006 09:52 AM
Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov
cc "Tom O'Neill" <[redacted]
Subject No-Cost Extension Request

Karen - We are requesting a no-cost extension on the EAC contract to the Eagleton Institute of Politics at Rutgers University to have the contract's concluding date move from March 31, 2006 to June 30, 2006. As I indicated earlier, it would be very helpful if we could receive approval of this request no later than April 28th.

This extension is necessary to enable the following activities:

1. The EAC has informed us that it will assemble a panel of researchers the week of May 8th to review the Eagleton/Moritz draft background report on Voter Identification. The EAC wishes to supplement the review of this draft
already conducted by the Peer Review Group called for in the contract. The Eagleton/Moritz research team, as well as at least some of the Peer Review Group will participate in the conference call or meeting of the EAC's reviewers;

2. Eagleton/Moritz will revise the draft Voter Identification report based upon comments made by the two sets of reviewers, and distribute the revised report to the EAC and its Advisory Board in mid-May.

3. Eagleton/Moritz will present its draft reports on Provisional Voting and Voter Idenfitication to the EAC Advisory Board at its May 25th meeting in Washington, D.C.;

4. Eagleton/Moritz will revise both draft reports to take into account comments made by the EAC Advisory Board, and submit printed final reports to the EAC before June 23rd. Eagleton/Moritz will also prepare a PowerPoint presentation for both reports.

5. Eagleton/Moritz will present both reports at the EAC public meeting in Washington, D.C. on June 23rd, thus concluding its work under this contract.

Please let me know if you need any additional information.

Thanks,

John

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