

The point of my sending you this is that I think this study would be a great opportunity for you to do what you are very good at - analyzing the methodology used by the authors and pointing out its flaws. Apparently, there was a peer review conducted by some academics for the EAC who orally told the EAC that study was flawed.

This study is now being trumpeted as proof that voter ID hurts turnout, and if it is a flawed study, someone with your kind of reputation needs to point that out. If you are interested in doing this, Caroline Hunter, one of the new commissioners at the EAC, would be happy to provide you with whatever information you might need.

Hans A. von Spakovsky
Commissioner
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463
Tel. (202) 694-1011
Fax (202) 219-8493

=

Peer Review Group

A draft of this report and the statistical analysis in its appendix were critiqued by a Peer Review Group. The comments of its members improved the quality of our work. While the Group as a whole and the comments of its members individually contributed generously to the research effort, any errors of fact or weaknesses in inference are the responsibility of the Eagleton-Moritz research team. The members of the Peer Review Group do not necessarily share the views reflected in our recommendations.

R. Michael Alvarez
Professor of Political Science
California Institute of Technology

John C. Harrison
Massee Professor of Law
University of Virginia School of Law

Martha E. Kropf
Assistant Professor Political Science
University of Missouri-Kansas City

Daniel H. Lowenstein
Professor of Law, School of Law
University of California at Los Angeles

Timothy G. O'Rourke
Dean, Fulton School of Liberal Arts
Salisbury University

Bradley Smith
Professor of Law
Capital University Law School

Tim Storey
Program Principal
National Conference of State Legislatures

Peter G. Verniero
former Attorney General, State of New Jersey
Counsel, Sills, Cummis, Epstein and Gross, PC

Bryan Whitener/EAC/GOV
03/30/2007 02:40 PM

To
cc
bcc Caroline C. Hunter/EAC/GOV
Subject EAC to Launch Comprehensive Study of Voter ID Laws,
3-30-07

For Immediate Release

March 30, 2007

Contact:

Jeannie Layson
Bryan Whitener
(202) 566-3100

EAC to Launch Comprehensive Study of Voter ID Laws

WASHINGTON - The U.S. Election Assistance Commission (EAC) has voted unanimously to launch a comprehensive study focused on voter identification laws after concluding that initial research it received in a report, which focused on only one election cycle, was not sufficient to draw any conclusions. The Commission declined to adopt the report, but is releasing all of the data to the public.

The report and the research, conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, are available at www.eac.gov. The Commission's statement regarding its decision is attached.

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

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

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

- * Conduct an ongoing state-by-state review, reporting and tracking of voter identification

025528

requirements.

* Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation. EAC will use some of the information collected by the contractor as well as additional data from the states to develop this baseline.

* In 2007, convene a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification.

* Study how voter identification provisions that have been in place for two or more federal elections have impacted voter turnout, voter registration figures, and fraud.

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

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

###

EAC Statement on Study of Voter Identification Requirements

Background

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

The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Drawing on its nationwide review and legal analysis of state statutes and regulations for voter identification, the contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election - November 2004. For example, the turnout rate in 2004 in states that required the voter to provide a photo identification document* was compared to the turnout rate in 2004 in states with a requirement that voters give his or her name in order to

receive a ballot. Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates* and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau.*

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

EAC Declines to Adopt Draft Report

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

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

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

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

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

* 4 See Transcript of EAC Public Meeting, February 8, 2007, page 109.

Further EAC Study on Voter Identification Requirements

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

EAC will undertake the following activities:

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

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

* In 2007, convene a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include methodology, specific issues to be covered in the study and timelines for completing an EAC study on voter identification.

* Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender. Study the effects of voter identification provisions, or the lack thereof, on early, absentee and vote-by-mail voting.

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

###

025530

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

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

Subject Voter ID update

Commissioners,

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

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

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

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

025531

Thomas R. Wilkey/EAC/GOV
03/29/2007 11:52 AM

To Donetta L. Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Rosemary E.
cc Sheila A. Banks/EAC/GOV@EAC, Elieen L.
Kuala/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC, Jeannie
bcc

Subject Withdrawl of Tally Vote Memo of March 28, 2007, Draft Study
Of Voter Identification Requirements

Commissioners;

The tally vote memo issued on March 28, 2007 concerning the Draft Study of Identification Requirements
is hereby withdrawn.

A new memo will be re-issued to you shortly.

Tom Wilkey

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

025532

Thomas R. Wilkey/EAC/GOV
03/28/2007 12:11 PM

To Donetta L. Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Rosemary E.
cc DeAnna M. Smith/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC

bcc

Subject Tally Vote on Voter Identification Draft Report

Commissioners;

Please be advised that I am withdrawing the Tally Vote on the Voter Identification Draft Report which closes at 1PM today.

The Tally Vote memo will be re-issued later this afternoon and will close within 48 Hours after issuing.

Tom Wilkey

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

025535



"Rosemary Rodriguez"
<rosemaryrod2003@yahoo.com>
03/27/2007 02:20 PM

To jlayson@eac.gov, d davidson@eac.gov, chunter@eac.gov,
ghillman@eac.gov, rrodriguez@eac.gov
cc twilkey@eac.gov, klynndyson@eac.gov,
jthompson@eac.gov, bwhitener@eac.gov, ekuala@eac.gov,
[REDACTED], sbanks@eac.gov,
bcc [REDACTED]
Subject Re: FOR YOUR APPROVAL: Voter ID PR and Roll Out
Strategy

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

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

From: "jlayson@eac.gov" <jlayson@eac.gov>
To: d davidson@eac.gov; rosemaryrod2003@yahoo.com; chunter@eac.gov; ghillman@eac.gov
Cc: twilkey@eac.gov; klynndyson@eac.gov; jthompson@eac.gov; bwhitener@eac.gov;
ekuala@eac.gov; stephanie.wolson@gmail.com; sbanks@eac.gov; bbenavides@eac.gov
Sent: Tuesday, March 27, 2007 2:02:01 PM
Subject: FOR YOUR APPROVAL: Voter ID PR and Roll Out Strategy

Commissioners,

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

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

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

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

025534

Jeannie Layson/EAC/GOV

03/27/2007 02:02 PM

To ddavidson@eac.gov, [REDACTED]
Caroline C. Hunter/EAC/GOV@EAC, ghilman@eac.gov
cc twilkey@eac.gov, klynndyson@eac.gov,
jthompson@eac.gov, bwhitener@eac.gov, Elieen L.
Kuala/EAC/GOV@EAC, stephanie.wolson@gmail.com,
bcc

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

Commissioners,

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

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



VoterIDRollOutProposal REV.doc



VoterIDTallyVotePRDRAFT3-27.doc

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

025535



March 27, 2007

MEMORANDUM

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

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

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

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

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

025536

PRELIMINARY ACTIVITIES

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

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

PUBLIC ROLL-OUT

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

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

OVERALL MESSAGE

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

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

Q&A

We should be prepared to answer the following questions:

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

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

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

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

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

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

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

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

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

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

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

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

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

A: We adhered to the terms of the contract.

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

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

TRANSITION PHRASES

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

Overall Message

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

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

Bridge/Transition Phrases

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



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

EAC to Launch Comprehensive Study of Voter ID Laws

For Immediate Release
DATE, 2007

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

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

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

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

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

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

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

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

#



"Rosemary Rodriguez"

03/19/2007 10:56 AM

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

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

Several thoughts on formatting:

Does the title of the document still work?

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

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

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

From: "jhodgkins@eac.gov" <jhodgkins@eac.gov>
To: "Davidson, Donetta" <ddavidson@eac.gov>; ghillman@eac.gov; chunter@eac.gov;
rosemaryrod2003@yahoo.com
Cc: twilkey@eac.gov; jlayson@eac.gov; klynndyson@eac.gov
Sent: Friday, March 16, 2007 4:27:32 PM
Subject: Revised Voter ID statement with Eagleton comments to paragraph 2

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

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

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

Bored stiff? Loosen up...

025543

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

Karen Lynn-Dyson/EAC/GOV
03/16/2007 02:29 PM

To john.weingart@rutgers.edu
cc "Tom O'Neill" <[REDACTED]>, twilkey@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC
bcc Caroline C. Hunter/EAC/GOV
Subject Re:Review of Voter ID Statement [PDF]

John-

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

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

Thanks
Karen

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

025545

Juliet E. Hodgkins/EAC/GOV
03/16/2007 01:39 PM

To Caroline C. Hunter/EAC/GOV@EAC
cc
bcc
Subject Re: Voter ID statement

History: This message has been replied to

I don't know the status of Eagleton's review of that paragraph, but I will check on it.

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

Caroline C. Hunter/EAC/GOV
03/16/2007 11:43 AM

To Juliet E. Hodgkins/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, [REDACTED]
cc Thomas R. Wilkey/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC, [REDACTED]
Subject Re: Voter ID statement

This looks good to me, thank you Julie. Two things- did Eagleton approve the 2nd graph and I made a minor change to the 4th bullet as a point of clarification.

Juliet E. Hodgkins

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

From: Juliet E. Hodgkins
Sent: 03/16/2007 09:41 AM EDT
To: Donetta Davidson; Gracia Hillman; Caroline Hunter; rosemaryrod2003@yahoo.com
Cc: Thomas Wilkey; Jeannie Layson
Subject: Voter ID statement

Commissioners,

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

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

[attachment "Voter ID edited 31507- track changes.doc" deleted by Caroline C. Hunter/EAC/GOV]
[attachment "Voter ID edited 31507- changes accepted.doc" deleted by Caroline C. Hunter/EAC/GOV]

Juliet Thompson Hodgkins

025546

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
03/14/2007 05:46 PM

To John.Weingart@rutgers.edu
cc [REDACTED]
bcc Caroline C. Hunter/EAC/GOV
Subject Re: EAC Statement on its future study of Voter ID requirements

John and Tom-

EAC staff are putting the finishing touches on the statement and data it will be releasing, in the next several days, related to voter identification study.

In our brief statement we will be summarizing what Rutgers/Eagleton did when performing its statistical analysis.

Could you review the following statement for accuracy and send me any revisions and edits to it by Friday March 16, 2007?

" The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. The Contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election- November 2004. For example, the turnout rate in 2004 in states with a photo identification requirement was compared to the turnout rate in 2004 in states with a requirement that voters sign his or her name in order to receive a ballot. The Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates 1 and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau2 "

Footnotes:

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

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

Thanks for your feedback

Regards

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

025546

Juliet E. Hodgkins/EAC/GOV
03/13/2007 06:06 PM

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

bcc:

Subject: Edited version of the Voter ID statement

Commissioners,

I intended to get this out to you much earlier today, but the day got away from me. After our hearing last week before the House Appropriations Subcommittee and the requests that were made for the draft reports of the Eagleton and Voter Fraud studies, I think that we must take a different approach to addressing the quality of these reports. While it may or may not be our intention to release these documents publicly, we MUST respond to the request made from a Congressional Committee and cannot use FOIA exemptions as FOIA does not apply to them. I believe that it is safe to assume that if we provide these documents to the Committee, even with a letter explaining their predecisional nature, that these documents will be released into the public spectrum. As such, I feel that EAC needs to make a statement regarding the quality of these reports and why we are making (or have made) a decision not to adopt the draft reports that were produced by our contractors.

Thus, I edited the statement that Karen produced with comments that reflect why we will not adopt the Eagleton report. That document is attached below. I would suggest that we put similar statements regarding Eagleton's report and the Voter Fraud draft report into a letter that I am drafting to go to the Committee with the requested documents. I will edit that letter to include similar comments tonight/tomorrow morning and will circulate it to you.

Please let me know if you have any questions, concerns, comments, etc.



Voter ID edited.doc

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

025549

Karen Lynn-Dyson/EAC/GOV
03/13/2007 04:42 PM

To: Caroline C. Hunter/EAC/GOV@EAC
cc
bcc

Subject: Re: Latest draft of the EAC Voter ID statement

History: This message has been replied to

Thanks Commissioner. I will restart the review process when I return to the office tomorrow

Sent from my BlackBerry Wireless Handheld
Caroline C. Hunter
----- Original Message -----

From: Caroline C. Hunter
Sent: 03/13/2007 04:36 PM EDT
To: Karen Lynn-Dyson
Cc: Donetta Davidson; Gracia Hillman; Jeannie Layson; Juliet Hodgkins;
Thomas Wilkey;
Subject: Re: Latest draft of the EAC Voter ID statement

Attached, please find my edits. My intention was to try to explain in English how the Contractor conducted the study in the 2nd graph of the background statement. I realize I left some information out; for example, how he ran the numbers based on maximum and minimum id requirements. I am open to any suggestions on how to better describe what they did; however, despite reading the report and Appendix C many times, I am still do not understand exactly how the study was conducted. I think we should run the 2nd graph by the Contractor to ensure its accuracy.

[attachment "VoterID Hunter edits.doc" deleted by Karen Lynn-Dyson/EAC/GOV]

Caroline C. Hunter
Commissioner
Election Assistance Commission
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chunter@eac.gov
www.eac.gov

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

03/09/2007 05:20 PM

To: Caroline C. Hunter/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,
cc: Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC, twilkey@eac.gov
Subject: Latest draft of the EAC Voter ID statement

Commissioners-

025550

Commissioner Hunter noted that several changes to the draft that she had recommended were not included in the latest draft that I sent to Julie and Jeannie. had.

Attached please find this new version which I hope accurately reflects her suggestions; we are asking that everyone take a look at this version.

Please get me your comments and recommended edits by Monday.

Thanks-

[attachment "Voter ID Statement March 9.doc" deleted by Karen Lynn-Dyson/EAC/GOV]

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

Karen Lynn-Dyson/EAC/GOV
03/09/2007 05:20 PM

To Caroline C. Hunter/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, [REDACTED]
cc Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC, twilkey@eac.gov
bcc

Subject Latest draft of the EAC Voter ID statement

History:

 This message has been replied to

Commissioners-

Commissioner Hunter noted that several changes to the draft that she had recommended were not included in the latest draft that I sent to Julie and Jeannie. had.

Attached please find this new version which I hope accurately reflects her suggestions; we are asking that everyone take a look at this version.

Please get me your comments and recommended edits by Monday.

Thanks-



Voter ID Statement March 9.doc

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

025552

EAC Statement on Future Study of Voter Identification Requirements

Background

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

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

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

EAC Recommendations for further study and next steps

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

However, EAC has concerns regarding the research and statistical methodology the Contractor chose to employ in order to analyze voter identification requirements and the potential variation in turnout rates based on the type of voter identification requirements. EAC is not adopting the report submitted by the Contractor and, therefore, is not releasing the report.

EAC will engage in a longer-term, more systematic review of voter identification requirements. Additional study on the topic will include more than one Federal election

cycle, additional environmental and political factors that effect voter participation, and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

EAC will undertake the following activities:

- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states' requirements which require a voter to state this or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.
- Convene, by mid-2007, a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include methodology, specific issues to be covered in the study and timelines for completing an EAC study on voter identification.
- Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud, study the effects of voter identification provisions, or the lack thereof, on early, absentee and vote-by-mail voting. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender.
- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

Juliet E. Hodgkins/EAC/GOV
03/08/2007 04:35 PM

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

Subject Re: Final EAC statement on Voter ID report 

History

 This message has been forwarded.

Karen,

I started by adopting all of the changes made to the document that you sent me. Then I made edits. Because they are so extensive, I thought it best to note them in track changes. Once you have had a chance to read them over, you can get rid of the formatting problems by "accepting all changes" to the document.



Voter ID statement jth edits.doc

Juliet Thompson Hodgkins
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

03/08/2007 12:47 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC
cc

Subject Final EAC statement on Voter ID report

Julie/Jeannie-

Attached please find the final version of the EAC statement on the Voter ID report.

As indicated, the Commissioners have asked that you all review this statement for legal accuracy, grammar, syntax, etc, before it is sent to them for final review and approval.

If you could, go ahead and make the edits without track changes (as track changes seem to create printing problems)

Once you all have edited the statement I will send the final version on to them for the tally vote.

Thanks



Final EAC Voter ID Statement.doc

025558

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

02557

EAC Statement on Future Study of Voter Identification Requirements

Background

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

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The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Using two sets of data-- aggregate turnout data at the county level for each state, and reports of individual voters collected in the November 2004 Current Population Survey conducted by the U.S.

Deleted: contractor

Census Bureau-- the Contractor arrived at a series of findings, conclusions and subsequent recommendations for further research into the topic.

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

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EAC Recommendations for further study and next steps

EAC finds the Contractor's summary of States' voter identification requirements and its summary of state laws, statutes, regulations and litigation surrounding the implementation of voter identification requirements, to be an important first step in the Commission's consideration of voter identification requirements.

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However, EAC has concerns regarding the research and statistical methodology the Contractor chose to employ in order to analyze voter identification requirements.

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Therefore, EAC is not adopting the Contractor's full report that was submitted and is not releasing this report

Deleted: contractor's

EAC will engage in a longer-term, more systematic review of voter identification requirements and the potential variation in turnout rates based on the types of voter identification requirements. EAC's additional study on the topic will include more than

one Federal election cycle, examine additional environmental and political factors that effect voter participation, and consider the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

EAC will undertake the following activities:

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- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states' requirements which require a voter to state this or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.
- Convene, by mid-2007, a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include specific issues to be covered in the study, research and statistical methodologies to be employed and timelines for completing an EAC study on voter identification.
- Study how certain voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender.
- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.
- Track state policies and procedures for early voting, absentee voting, and vote-by-mail. The data collected through this tracking will then be compared to various state voter identification policies and procedures.

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Karen Lynn-Dyson/EAC/GOV
03/06/2007 05:15 PM

To "Rosemary Rodriguez"
Donetta L. Davidson/EAC/GOV@EAC, Caroline C.
cc twilkey@eac.gov, Juliet E. Hodgkins/EAC/GOV@EAC,
Jeannie Layson/EAC/GOV@EAC
bcc
Subject Close-to-final draft of Voter ID statement 

Commissioners-

Attached please find the draft statement on voter ID requirement in which I have attempted to incorporate your suggested changes. Those changes are highlighted in yellow and bolded.

You'll want to pay particular attention to the options for the third paragraph in which I have offered two choices:

One choice allows you to release all of Eagleton's documents, including the testimony, the 32-page report and the statistical analysis(Appendix C).

The second choice only includes the testimony and does not include the 32 page summary or the data analysis (Appendix C).

Once you have reached a consensus on one of the choices, I'll ask Jeannie to take a close look at grammar and syntax.

Thanks



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

025560



"Norcross, David A."
<Norcross@BlankRome.com
>

04/05/2007 02:16 PM

To chunter@eac.gov

cc

bcc

Subject RE: Eagleton Voter ID study

Thanks for sending the Voter ID Study. I have always viewed Eagleton with suspicion. In my mind they do not have a particularly good track record; I admit that my view is entirely anecdotal and perhaps partisan but suffice it to say I am in no way surprised.

David A. Norcross | Partner/Senior Principal | Blank Rome LLP
Blank Rome Government Relations LLC
600 New Hampshire Ave. NW | Washington, DC 20037
Phone: (202)772-5874 | Fax: (202)772-5876 | [REDACTED]

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

Sent: Friday, March 30, 2007 1:56 PM

To: chunter@eac.gov

Subject: Eagleton Voter ID study

FYI - The EAC just released the attached press release and statement on a study submitted to the EAC from Rutger's Eagleton Institute of Politics. The EAC voted to release all of the research submitted by Eagleton; however, the EAC did not adopt the report.

In my opinion, the methodology used by Eagleton is flawed and none of the information submitted is useful in any way. It is difficult to determine exactly what Eagleton did to come to their conclusions.

As noted in the attached statement, Eagleton "compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election - November 2004." Eagleton analyzed Census Bureau voting age population data and found no statistically significant correlation between ID requirements and turnout. So Eagleton then used data from the Current Population Survey (self reported) and found a "significant effect" on turnout. Eagleton concluded, for example, that based on the survey data, "the predicted probability that Hispanics would vote in states that required non-photo identification [NOT a photo ID] 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."

A draft summary of this report was released by the EAC in early February. At that time, several press outlets, including NYT and USA Today, reported that the study shows a chilling effect on turnout in states with voter ID, particularly on minorities. The methodology is so flawed that no reasonable conclusion should be drawn, however, this "conclusion" reported by the press is based on comparing self reported turnout data from the U.S. Census Current Population Survey between states for ONE election year. It is hard to imagine that anyone who reads the report or even the EAC statement, which includes a summary of the methodology used by Eagleton, will find the study useful.

025561

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

www.eac.gov
Caroline C. Hunter
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Bryan Whitener/EAC/GOV
05/04/2007 02:55 PM

To Stephanie Wolson/EAC/GOV@EAC
cc Caroline C. Hunter/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC
bcc
Subject Fw: EAC statement on study of voter ID requirements

FYI, also sent her the following subsequent email to point out EAC's statement accompanying the eagleton report.

----- Forwarded by Bryan Whitener/EAC/GOV on 05/04/2007 02:52 PM -----

Bryan Whitener/EAC/GOV
04/30/2007 06:35 PM

To "Dana Burke" [REDACTED]
cc Jeannie Layson/EAC/GOV@EAC
Subject EAC statement on study of voter ID requirements

Dana,

I also meant to point out that EAC issued a statement regarding the study on voter ID requirements . The entire statement is contained within the news release here.

News Release: 3/30/07 - EAC to Launch Comprehensive Study of Voter ID Laws

Please do not hesitate to contact us if we can be of assistance.

Bryan Whitener
U.S. Election Assistance Commission
(202) 566-3118
(866) 747-1471 (toll free)

----- Forwarded by Bryan Whitener/EAC/GOV on 04/30/2007 06:30 PM -----

Bryan Whitener/EAC/GOV
04/30/2007 04:50 PM

To "Dana Burke" [REDACTED]
cc Jeannie Layson/EAC/GOV@EAC
Subject Re: Bay Area Citizen Question [REDACTED]

Dana,

Please see the following two links. Our Inspector General is currently reviewing the circumstances surrounding this research (please see page two on the first link for the memo from EAC Chair Donetta Davidson.) When that process is complete we'll be glad to discuss it further.

04/16/07 - EAC Requests Review of Voter ID, Vote Fraud & Voter Intimidation Research Projects

News Release: 3/30/07 - EAC to Launch Comprehensive Study of Voter ID Laws

Please do not hesitate to contact us if we can be of assistance.

025568

Bryan Whitener
U.S. Election Assistance Commission
(202) 566-3118
(866) 747-1471 (toll free)

"Dana Burke" <dburke@hcnonline.com>



"Dana Burke"
<dburke@hcnonline.com>
04/30/2007 04:22 PM

To bwhitener@eac.gov
cc
Subject Bay Area Citizen Question

Bryan,

I spoke to you on the phone a few minutes ago about a story I am working on regarding voter identification requirements in Texas. Democrats opposed to the new legislation, HB 218 and HB 626, have referred to this study commissioned by the EAC that shows a correlation between more stringent voter id requirements and lower voter turnout, especially among minority groups.

However I saw mention on your Web site that a voter identification study has asked to be reviewed due to complaints. I was not sure if this is the same study. Could you please tell me if this study is being considered valid and whether my above assessment is correct? My deadline is Tuesday, 8 a.m.

Thanks, and have a great day.

Dana Burke
News Editor – The Citizen
100 E. NASA Parkway, Ste. 105
Webster, TX 77598
281-674-1403
832-868-8027 cell
281-332-6901 fax
www.hcnonline.com

025569

Jeannie Layson/EAC/GOV

04/27/2007 04:54 PM

To EAC Personnel

cc

bcc

Subject Voter ID and Vote Fraud and Voter Intimidation IG Review Update

Hello everyone,

The chair wanted to distribute the attached memo from the IG, which contains guidance about how we proceed during the review of the voter ID and the vote fraud and voter intimidation research projects. She will continue to keep staff informed as this review moves forward, and she thanks everyone for their continued cooperation and hard work.



IG Memo to Chair on Review of Studies [4-27-07].pdf

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

025563



U.S. ELECTION ASSISTANCE COMMISSION
OFFICE OF INSPECTOR GENERAL
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

April 27, 2007

Memorandum

To: Donetta Davidson
Chair, U.S. Elections Commission

From: Curtis Crider *Curtis Crider*
Inspector General

Subject: U.S. Election Assistance Commission Activities Pending the Office of Inspector
General Investigation of the Voting Fraud and Voter Intimidation Report

In your letter of April 23, 2007, you requested my comments concerning several activities that the Election Assistance Commission (EAC) was considering to undertake pending our review of the Voting Fraud and Voter Intimidation Study and on related questions. My responses to your proposed activities and questions follow:

1. The EAC would like to prepare a summary of the differences between the draft report prepared by the consultants and the final report adopted by the EAC.

Answer: We believe that such a summary will be helpful to our investigation. Please provide us with a copy of the summary of differences upon it is completion.

2. Would there be any prohibition against the Director of Communications speaking with EAC employees, consultants or working group members when questions arise from members of the press or under the Freedom of Information Act?

Answer: We are not aware of any prohibition. However, we suggest that EAC not comment or limit its comments on this matter because of the ongoing investigation. Any FOIA requests should be promptly responded to stating that the matter is under investigation. Once the investigation is completed, appropriate information should be made available to the FOIA requester.

3. Would there be any prohibition against EAC briefing members of the EAC Standards Board and the EAC Board of Advisors.

Answer: We are not aware of any prohibition. Our preference, however, would be that EAC allow the investigation to be completed before conducting any briefings.

4. Would there be any prohibition against gathering information related to this project in order to respond to inquiries that have been made by members of Congress?

- 025564

Answer: We are not aware of any prohibition. As previously stated, our preference is that there are no public comments while the investigation is in process or that comments be limited. However, we appreciate the sensitivity of Congressional requests, EAC must decide how best to proceed in this matter. We ask that you share any proposed responses with us prior to their release and that you provide us with a copy of final responses and any attachments.

5. Would there be any prohibition against responding to an inquiry that the Commission has received from an attorney engaged by one of the consultants?

Answer: It is the EAC's decision whether to respond to the attorney for the consultant. We prefer that the consultants not be released from the confidentiality clause of their contracts until the OIG has completed its investigations.

We understand that EAC will want to respond to criticism of its handling of the Voter Fraud and Intimidation Study, and that management must ultimately decide how best to proceed. Our preference would be that you attempt to defer commenting until we have finished our investigation.

I appreciate you raising these matters to me before acting. Please feel free to contact me if you have any questions about this memorandum.



"Bryan Whitener"
<bwhitener@eac.gov>

04/16/2007 03:38 PM

Please respond to
bwhitener@eac.gov

To chunter@eac.gov

cc

bcc

Subject EAC Requests Review of Voter ID, Vote Fraud & Voter
Intimidation Research Projects, 04-16-07

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

For Immediate Release

April 16, 2007

Contact:

Jeannie Layson
Bryan Whitener
(202) 566-3100

EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects

WASHINGTON - U.S. Election Assistance Commission (EAC) Chair Donetta Davidson today issued a formal request to the commission's inspector general to conduct a review of the commission's contracting procedures, including a review of two recent projects focusing on voter identification and vote fraud and voter intimidation. The chair's memo to the inspector general is attached (to view the memo and attachments, click [here](#)).

"The actions taken by the commission regarding these research projects have been challenged, and the commissioners and I agree that it is appropriate and necessary to ask the inspector general to review this matter," said EAC Chair Davidson.

Chair Davidson has requested that the inspector general specifically review the circumstances surrounding the issuance and management of the voter identification research project and the vote fraud

025566

and voter intimidation research project.

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

###

Bola Olu/EAC/GOV
04/30/2007 03:40 PM

To Caroline C. Hunter/EAC/GOV@EAC
cc
bcc
Subject Re: Fraud study 

The overall total for both contractors is \$147,106.35 even though the contract was for 2 fiscal years - F05 & FY06.

Bola Olu
Financial Administrative Specialist
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
P:202-566-3124
F:202/566-3127
<http://www.eac.gov/>

"Don't ask for a blessing - be a blessing. Contribute to a process and help it grow. You can only get ahead by giving back first."

Caroline C. Hunter/EAC/GOV

Caroline C. Hunter/EAC/GOV
04/30/2007 03:30 PM

To Bola Olu/EAC/GOV@EAC
cc Gracia Hillman/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC, Stephanie
Wolson/EAC/GOV@EAC
Subject Re: Fraud study 

Thank you, Bola.
I added the four numbers listed as expended and got - \$147,106.35
Is that correct?

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

Bola Olu/EAC/GOV

Bola Olu/EAC/GOV
04/30/2007 01:26 PM

To Caroline C. Hunter/EAC/GOV@EAC
cc Gracia Hillman/EAC/GOV@EAC, Jeannie

025570

Layson/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC, Stephanie
Wolson/EAC/GOV@EAC
Subject Re: Fraud study 

Com. Hunter:

Please find attached a spreadsheet containing information for both Wang & Serebrov. This spreadsheet lists invoices received from both individuals and these invoices were subsequently paid by US Treasury. Please let me know if I can be of further assistance.



WANG & SEREBROV.xls

Bola Olu
Financial Administrative Specialist
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
P:202-566-3124
F:202/566-3127
<http://www.eac.gov/>

"Don't ask for a blessing - be a blessing. Contribute to a process and help it grow. You can only get ahead by giving back first."

Caroline C. Hunter/EAC/GOV

Caroline C. Hunter/EAC/GOV

04/30/2007 12:44 PM

To Bola Olu/EAC/GOV@EAC
cc Gracia Hillman/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC, Stephanie
Wolson/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC
Subject Fraud study

Bola,
Could you please let me know the total amount the EAC paid the contractors (Wang and Serebrov) for the fraud report.
Thank you,
Caroline

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

025571

chunter@eac.gov
www.eac.gov

RUTGERS/EAGLETON

	Beginning balance FY05	\$560,002	
	No-cost amend FY06	\$0	
9/29/2006	E4014127	\$49,514.52	
6/7/2006	E4014127	\$39,362.63	
3/30/2006	E4014127	\$113,249.99	
2/8/2006	E4014127	\$59,952.94	
1/13/2006	E4014127	\$35,929.36	
11/30/2005	E4014127	\$52,474.65	
9/30/2005	E4014127	\$103,207.33	
9/20/2005	E4014127	\$62,581.46	
8/29/2005	E4014127	\$28,175.94	
8/29/2005	E4014127	\$12,642.41	
	Expended	\$557,091.23	
	Available balance	\$2,910.77	BAL. DEOBLIGATED

Bola Olu/EAC/GOV
04/30/2007 01:32 PM

To Caroline C. Hunter/EAC/GOV@EAC
cc Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Stephanie
bcc
Subject Re: Fraud study 

Information for Eagleton attached.



Rutgers University - Eagleton contract.xls

Bola Olu
Financial Administrative Specialist
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
P:202-566-3124
F:202/566-3127
<http://www.eac.gov/>

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Caroline C. Hunter/EAC/GOV

Caroline C. Hunter/EAC/GOV
04/30/2007 01:07 PM

To Caroline C. Hunter/EAC/GOV@EAC
cc Bola Olu/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Stephanie Wolson/EAC/GOV@EAC
Subject Re: Fraud study 

Bola,
Could you please provide the same info for the Eagleton contract.
Thank you,
Caroline

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

025574

Caroline C. Hunter/EAC/GOV

Caroline C. Hunter/EAC/GOV

04/30/2007 12:44 PM

To Bola Olu/EAC/GOV

cc Gracia Hillman/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC, Stephanie

Wolson/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC

Subject Fraud study

Bola,

Could you please let me know the total amount the EAC paid the contractors (Wang and Serebrov) for the fraud report.

Thank you,

Caroline

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

025575

Bola Olu/EAC/GOV
04/30/2007 01:26 PM

To Caroline C. Hunter/EAC/GOV@EAC
cc Gracia Hillman/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC, Stephanie
bcc

Subject Re: Fraud study 

History

 This message has been replied to

Com. Hunter:

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WANG & SEREBROV.xls

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Caroline C. Hunter/EAC/GOV

Caroline C. Hunter/EAC/GOV

04/30/2007 12:44 PM

To Bola Olu/EAC/GOV@EAC
cc Gracia Hillman/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC, Stephanie
Wolson/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC
Subject Fraud study

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Thank you,
Caroline

Caroline C. Hunter
Commissioner
Election Assistance Commission
1225 New York Avenue, NW

025576

Suite 1100
Washington, DC 20005
(202) 566-3107
chunter@eac.gov
www.eac.gov

JOVA WANG

	Beginning balance FY05	\$55,000	
3/27/2006	E4019697	\$8,333.33	
3/6/2006	E4019697	\$8,333.33	
2/1/2006	E4019697	\$8,333.33	
1/2/2006	E4019697	\$5,550.00	
1/2/2006	E4019697	\$8,333.33	
1/2/2006	E4019697	\$8,333.33	
	Expended	\$47,216.65	
	Available balance	\$7,783.35	BAL. DEOBLIGATED

JOVA WANG

	Beginning balance FY06	\$28,423.34	
8/16/2006	E4019904	\$2,109.00	
7/7/2006	E4019904	\$1,100.00	
7/5/2006	E4019904	\$1,533.02	
6/20/2006	E4019904	\$3,330.00	
5/24/2006	E4019904	\$9,102.00	
4/27/2006	E4019904	\$9,102.00	
	Expended	\$26,276.02	
	Available balance	\$2,147.32	BAL. DEOBLIGATED

JOB SEREBROV

	Beginning balance FY05	\$55,000	
3/29/2006	E4019698	\$8,333.33	
3/6/2006	E4019698	\$8,333.33	
1/31/2006	E4019698	\$8,333.33	
1/3/2006	E4019698	\$8,333.33	
12/21/2005	E4019698	\$7,215.00	
11/23/2005	E4019698	\$8,333.33	
	Expended	\$48,881.65	
	Available balance	\$6,118.35	BAL. DEOBLIGATED

JOB SEREBROV

	Beginning balance FY06	\$28,475	
8/11/2006	E4019905	\$1,443.00	
7/18/2006	E4019905	\$1,110.00	
7/5/2006	E4019905	\$1,200.03	
6/20/2006	E4019905	\$2,775.00	
5/24/2006	E4019905	\$9,102.00	
4/25/2006	E4019905	\$9,102.00	
	Expended	\$24,732.03	
	Available balance	\$3,742.97	BAL. DEOBLIGATED

Caroline C. Hunter/EAC/GOV
04/30/2007 01:07 PM

To Caroline C. Hunter/EAC/GOV@EAC
cc Bola Olu/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,
Jeannie Layson/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC, Stephanie
bcc
Subject Re: Fraud study 

Bola,
Could you please provide the same info for the Eagleton contract.
Thank you,
Caroline

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

Caroline C. Hunter/EAC/GOV

Caroline C. Hunter/EAC/GOV
04/30/2007 12:44 PM

To Bola Olu/EAC/GOV
cc Gracia Hillman/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC, Stephanie
Wolson/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC
Subject Fraud study

Bola,
Could you please let me know the total amount the EAC paid the contractors (Wang and Serebrov) for the
fraud report.
Thank you,
Caroline

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

025579

Thomas R. Wilkey/EAC/GOV
04/20/2007 12:13 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
cc Gavin S. Gilmour/EAC/GOV@EAC

bcc

Subject Re: Fraud Report

I discussed this with Julie last evening and again this morning and agree with her comments. I believe both the IG review and our responses to Senator Finesteins letter covers a great deal of what we were asking them to do.

Sent from my BlackBerry Wireless Handheld

Juliet E. Hodgkins

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

From: Juliet E. Hodgkins
Sent: 04/20/2007 12:14 PM EDT
To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez;
Thomas Wilkey; Margaret Sims; Jeannie Layson
Cc: Gavin Gilmour
Subject: Fw: Fraud Report

Commissioners & Tom,

After having received this request, reviewed it and discussed it with the Inspector General and Gavin, I believe that it is ill-advised to continue such a request in light of the pending investigation of this matter by the Inspector General. While I am certain that this was not the intent of this request, the inevitable appearance of this request would suggest that the Commission is seeking to influence an ongoing investigation of the IG. This appearance of inappropriate influence would arise because two employees, who will undoubtedly be contacted by and interviewed as a part of the ongoing IG investigation, are being asked to provide a statement to their supervisors prior to interviews of those persons by the IG. Furthermore, this situation could appear as an attempt by employees and/or the agency to collude on a statement prior to making a formal statement in the investigation of the IG.

This IG's investigation was requested to address issues of public perception. Thus, it is critical that this investigation proceed in a manner that leaves no room for question. As such, I believe that it is inappropriate to proceed with this request.

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

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 04/20/2007 11:54 AM -----

Thomas R. Wilkey/EAC/GOV

04/19/2007 05:03 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC
cc "Jeannie Layson" <jlayson@eac.gov>

Subject Fraud Report

After much discussion today among the Commissioners would like you both to prepare an in depth

025580

overview of the work you did on this report.

This would include all of the details of your work on the both the draft report and the final report adopted by the Commissioners, Jeannie has offered to help you in any way.

I will discuss this further with each of you between now and tomorrow.

I have been at the damn conference all day and have not been able to go to a single session or spend time with people.

Thanks

Tom

Sent from my BlackBerry Wireless Handheld

Attorney-Client
Privilege

Juliet E. Hodgkins/EAC/GOV
04/20/2007 12:14 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Rosemary E.
cc Gavin S. Gilmour/EAC/GOV@EAC

bcc

Subject Fw: Fraud Report

Commissioners & Tom,

After having received this request, reviewed it and discussed it with the Inspector General and Gavin, I believe that it is ill-advised to continue such a request in light of the pending investigation of this matter by the Inspector General. While I am certain that this was not the intent of this request, the inevitable appearance of this request would suggest that the Commission is seeking to influence an ongoing investigation of the IG. This appearance of inappropriate influence would arise because two employees, who will undoubtedly be contacted by and interviewed as a part of the ongoing IG investigation, are being asked to provide a statement to their supervisors prior to interviews of those persons by the IG. Furthermore, this situation could appear as an attempt by employees and/or the agency to collude on a statement prior to making a formal statement in the investigation of the IG.

This IG's investigation was requested to address issues of public perception. Thus, it is critical that this investigation proceed in a manner that leaves no room for question. As such, I believe that it is inappropriate to proceed with this request.

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

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 04/20/2007 11:54 AM -----

Thomas R. Wilkey/EAC/GOV
04/19/2007 05:03 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC
cc "Jeannie Layson" <jlayson@eac.gov>

Subject Fraud Report

After much discussion today among the Commissioners would like you both to prepare an in depth overview of the work you did on this report. This would include all of the details of your work on the both the draft report and the final report adopted by the Commissioners, Jeannie has offered to help you in any way. I will discuss this further with each of you between now and tomorrow. I have been at the damn conference all day and have not been able to go to a single session or spend time with people.

Thanks
Tom

Sent from my BlackBerry Wireless Handheld

025582

Juliet E. Hodgkins/EAC/GOV
04/06/2007 12:11 PM

To Caroline C. Hunter/EAC/GOV@EAC
cc
bcc
Subject Cost of the Voting Fraud and Voter Intimidation Study

Total to the two consultants: \$147,106.35

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

025583

Rosemary E.
Rodriguez/EAC/GOV
03/30/2007 03:23 PM

To ddavidson@eac.gov, Gracia Hillman/EAC/GOV@EAC,
chunter@eac.gov
cc TWilkey@eac.gov
bcc
Subject Fw: Fraud Report

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

----- Forwarded by Rosemary E. Rodriguez/EAC/GOV on 03/30/2007 03:22 PM -----
Rosemary E. Rodriguez/EAC/GOV

03/30/2007 03:20 PM

To DDavidson@useac.gov, GHillman@useac.gov, CHunter@useac.gov
cc TWilkey@useac.gov
Subject Fraud Report

I would very much like to explore the possibility of reconsidering the decision to release the Fraud Report.
How can I get this on our agenda?

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

025584



"Craig Burkhardt"
<cburkhardt@BTLaw.com>
04/02/2007 09:20 AM

To chunter@eac.gov
cc
bcc

Subject Re: Eagleton Voter ID study

History

 This message has been replied to

Dear Caroline:

What a sad use of taxpayer funds. I look forward to your oversight of these matters.

Hope all is well with you at the new office.

Regards,
Craig

Craig S. Burkhardt
BARNES & THORNBURG LLP
Craig.Burkhardt@btlaw.com

In Washington, DC:
750 17th Street, NW, Suite 900
Washington, DC 20006
Phone: (202) 408-6903
Cell: (202) 277-2718
Fax: (202) 289-1330

In Chicago:
One North Wacker, Suite 4400
Chicago, IL 60606-2833
Phone: (312) 214-8802
Fax: (312) 759-5646

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025585



"Craig Burkhardt"
<cburkhardt@BTLaw.com>
04/02/2007 08:40 AM

To chunter@eac.gov
cc
bcc
Subject Re: Eagleton Voter ID study

History

This message has been replied to

Dear Caroline: Thanks for the info. Did the EAC pay for this study?
Regards, Craig

Craig S. Burkhardt
BARNES & THORNBURG LLP
Craig.Burkhardt@btlaw.com

In Washington, DC:
750 17th Street, NW, Suite 900
Washington, DC 20006
Phone: (202) 408-6903
Cell: (202) 277-2718
Fax: (202) 289-1330

In Chicago:
One North Wacker, Suite 4400
Chicago, IL 60606-2833
Phone: (312) 214-8802
Fax: (312) 759-5646

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025586



"Doug Lewis"
<dlewis@electioncenter.org>
04/01/2007 07:37 PM

To chunter@eac.gov
cc
bcc
Subject RE: Eagleton Voter ID study

History:  This message has been replied to.

We can talk sometime on the phone about this study.

Thank you for the heads up.

R. Doug Lewis
Executive Director
National Association of Election Officials
The Election Center
12543 Westella, Suite 100
Houston, TX 77077-3929
281-293-0101, Voice
281-293-0453, Fax
dlewis@electioncenter.org

From: chunter@eac.gov [mailto:chunter@eac.gov]
Sent: Friday, March 30, 2007 12:56 PM
To: chunter@eac.gov
Subject: Eagleton Voter ID study

FYI - The EAC just released the attached press release and statement on a study submitted to the EAC from Rutgers's Eagleton Institute of Politics. The EAC voted to release all of the research submitted by Eagleton; however, the EAC did not adopt the report.

In my opinion, the methodology used by Eagleton is flawed and none of the information submitted is useful in any way. It is difficult to determine exactly what Eagleton did to come to their conclusions.

As noted in the attached statement, Eagleton "compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election - November 2004." Eagleton analyzed Census Bureau voting age population data and found no statistically significant correlation between ID requirements and turnout. So Eagleton then used data from the Current Population Survey (self reported) and found a "significant effect" on turnout. Eagleton concluded, for example, that based on the survey data, "the predicted probability that Hispanics would vote in states that required non-photo identification [NOT a photo ID] 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."

A draft summary of this report was released by the EAC in early February. At that time, several press outlets, including NYT and USA Today, reported that the study shows a chilling effect on turnout in states with voter ID, particularly on minorities. The methodology is so flawed that no reasonable conclusion should be drawn, however, this "conclusion" reported by the press is based on comparing self reported turnout data from the U.S. Census Current Population Survey between states for ONE election year. It is

025587

hard to imagine that anyone who reads the report or even the EAC statement, which includes a summary of the methodology used by Eagleton, will find the study useful.

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

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



"Clark Bensen/Polidata"
<clark@polidata.us>
03/31/2007 06:09 AM

To chunter@eac.gov
cc
bcc

Subject RE: Eagleton Voter ID study

History: This message has been replied to

Caroline,
Thanks...will review.

They should have had you on the agenda at the RNLA meeting yesterday...which was a great meeting...perhaps at the next DC meeting...
Clark

POLIDATA ® Demographic and Political Guides | www.polidata.us
POLIDATA ® Political Data Analysis | www.polidata.org
POLIDATA ® at CafePress | www.cafepress.com/polidata
POLIDATA ® at Lulu | www.lulu.com/polidata

Clark Bensen | POLIDATA | 3112 Cave Court | Lake Ridge, VA 22192
Tel: 703-690-4066 | EFAX: 202-318-0793 | email: clark@polidata.org

From: chunter@eac.gov [mailto:chunter@eac.gov]
Sent: Friday, March 30, 2007 1:56 PM
To: chunter@eac.gov
Subject: Eagleton Voter ID study

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025589

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www.eac.gov
Caroline C. Hunter
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Election Assistance Commission
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(202) 566-3107
chunter@eac.gov
www.eac.gov



"Rokita, Todd"
<trokita@sos.IN.gov>
03/30/2007 02:55 PM

To chunter@eac.gov
cc
bcc
Subject RE: Eagleton Voter ID study

History

This message has been replied to

Thank you Caroline. Do you feel comfortable with how things stand?

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

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

Sent: Friday, March 30, 2007 12:56 PM

To: chunter@eac.gov

Subject: Eagleton Voter ID study

FYI - The EAC just released the attached press release and statement on a study submitted to the EAC from Rutgers Eagleton Institute of Politics.

The EAC voted to release all of the research submitted by Eagleton; however, the EAC did not adopt the report.

In my opinion, the methodology used by Eagleton is flawed and none of the information submitted is useful in any way. It is difficult to determine exactly what Eagleton did to come to their conclusions.

As noted in the attached statement, Eagleton "compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election - November 2004." Eagleton analyzed Census Bureau voting age population data and found no statistically significant correlation between ID requirements and turnout. So Eagleton then used data from the Current Population Survey (self reported) and found a "significant effect" on turnout. Eagleton concluded, for example, that based on the survey data, "the predicted probability that Hispanics would vote in states that required non-photo identification [NOT a photo ID] 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."

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Caroline C. Hunter/EAC/GOV
03/30/2007 01:56 PM

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www.eac.gov VoterID release 3-30-07.doc

Juliet E. Hodgkins/EAC/GOV
03/28/2007 09:55 PM

To Rosemary E. Rodriguez/EAC/GOV@EAC
cc Caroline C. Hunter/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC,
bcc
Subject Re: Comments on Eagleton's response

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Rosemary E.
Rodriguez/EAC/GOV
03/28/2007 06:54 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Donetta L.
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Hunter/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Karen
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To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez
Cc: Thomas Wilkey; Karen Lynn-Dyson; Jeannie Layson
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Juliet E. Hodgkins/EAC/GOV
03/28/2007 09:55 PM

To Rosemary E. Rodriguez/EAC/GOV@EAC
cc Caroline C. Hunter/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC,
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Rodriguez/EAC/GOV
03/28/2007 06:54 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC
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025600

Rosemary E.
Rodriguez/EAC/GOV
03/28/2007 06:54 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia
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cc Thomas R. Wilkey/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC

bcc

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

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

Subject Comments on Eagleton's response

History:  This message has been replied to

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Gracia Hillman/EAC/GOV

03/19/2007 03:58 PM

To Juliet E. Hodgkins/EAC/GOV@EAC

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

bcc

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

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

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

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



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

025605

EAC Statement on Future Study of Voter Identification Requirements

Background

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

The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Drawing on its nationwide review and legal analysis of state statutes and regulations for voter identification, the contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election – November 2004. For example, the turnout rate in 2004 in states that required the voter to provide a photo identification document¹ was compared to the turnout rate in 2004 in states with a requirement that voters give his or her name in order to receive a ballot. Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates, and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau.³

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

Comment (GH1) in Footnote #2:
Regarding the estimate of non-citizens:
Perhaps this could be clarified to say
whether the % of non-citizens was in the
VAP or of the US population as a whole. It
is not clear to me.

EAC Recommendations for further study and next steps

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

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

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

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

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

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

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

EAC will undertake the following activities:

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

⁴ See EAC Public Testimony, February 8, 2007, page 109.

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

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

DRAFT



"Rosemary Rodriguez"
[REDACTED]

03/19/2007 10:56 AM

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

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

Several thoughts on formatting:

Does the title of the document still work?

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

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

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

From: "jhodgkins@eac.gov" <jhodgkins@eac.gov>
To: "Davidson, Donetta" <ddavidson@eac.gov>; ghillman@eac.gov; chunter@eac.gov;
rosemaryrod2003@yahoo.com
Cc: twilkey@eac.gov; jlayson@eac.gov; klynndyson@eac.gov
Sent: Friday, March 16, 2007 4:27:32 PM
Subject: Revised Voter ID statement with Eagleton comments to paragraph 2

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

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

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

Bored stiff? Loosen up...

025609

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

To "Davidson, Donetta" <ddavidson@eac.gov>; Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, rosemaryrod2003@yahoo.com
cc Thomas R. Wilkey/EAC/GOV@EAC, jlayson@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC
bcc
Subject Revised Voter ID statement with Eagleton comments to paragraph 2

History

 This message has been forwarded.

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

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



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



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

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

025610

EAC Statement on Future Study of Voter Identification Requirements

Background

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

The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Drawing on its nationwide review and legal analysis of state statutes and regulations for voter identification, the contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election – November 2004. For example, the turnout rate in 2004 in states that required the voter to provide a photo identification document¹ was compared to the turnout rate in 2004 in states with a requirement that voters give his or her name in order to receive a ballot. Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates² and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau.³

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

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

EAC Recommendations for further study and next steps

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

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

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

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

Deleted: consideration of
Deleted:
Deleted: research
Deleted: chose to employ in order to
Deleted: and the potential variation in
Deleted: based on the type of voter identification requirements

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

Deleted: on that point
Deleted:

Deleted:

Deleted: EAC is not adopting the report submitted by the Contractor and, therefore, is not releasing the

Deleted:

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

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⁴ See EAC Public Testimony, February 8, 2007, page 109.

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DRAFT

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⁴ See EAC Public Testimony, February 8, 2007, page 109.

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

DRAFT

Caroline C. Hunter/EAC/GOV

04/02/2007 09:50 AM

To "Craig Burkhardt" [REDACTED]

cc

bcc

Subject Re: Eagleton Voter ID study [REDACTED]

Very sad indeed

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

From: "Craig Burkhardt" [cburkhardt@BTLaw.com]

Sent: 04/02/2007 09:20 AM AST

To: Caroline Hunter

Subject: Re: Eagleton Voter ID study

Dear Caroline:

What a sad use of taxpayer funds. I look forward to your oversight of these matters.

Hope all is well with you at the new office.

Regards,
Craig

Craig S. Burkhardt
BARNES & THORNBURG LLP
Craig.Burkhardt@btlaw.com

In Washington, DC:
750 17th Street, NW, Suite 900
Washington, DC 20006
Phone: (202) 408-6903
[REDACTED]
Fax: (202) 289-1330

In Chicago:
One North Wacker, Suite 4400
Chicago, IL 60606-2833
Phone: (312) 214-8802
Fax: (312) 759-5646

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TAX ADVICE NOTICE: Tax advice, if any, contained in this e-mail does not constitute a "reliance opinion" as defined in IRS Circular 230 and may not be used to establish reasonable reliance on the opinion of counsel for the purpose of avoiding the penalty imposed by Section 6662A of the Internal Revenue Code. The firm provides

025617

reliance opinions only in formal opinion letters containing the signature of a partner.

Caroline C. Hunter/EAC/GOV
04/02/2007 09:06 AM

To "Craig Burkhardt" [REDACTED]
cc
bcc
Subject Re: Eagleton Voter ID study [REDACTED]

Yes, paid quite a bit for this and for Eagleton research on provisional ballots.

----- Original Message -----
From: "Craig Burkhardt" [cburkhardt@BTLaw.com]
Sent: 04/02/2007 08:40 AM AST
To: Caroline Hunter
Subject: Re: Eagleton Voter ID study

Dear Caroline: Thanks for the info. Did the EAC pay for this study?
Regards, Craig

Craig S. Burkhardt
BARNES & THORNBURG LLP
Craig.Burkhardt@btlaw.com

In Washington, DC:
750 17th Street, NW, Suite 900
Washington, DC 20006
Phone: (202) 408-6903
[REDACTED]
Fax: (202) 289-1330

In Chicago:
One North Wacker, Suite 4400
Chicago, IL 60606-2833
Phone: (312) 214-8802
Fax: (312) 759-5646

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TAX ADVICE NOTICE: Tax advice, if any, contained in this e-mail does not constitute a "reliance opinion" as defined in IRS Circular 230 and may not be used to establish reasonable reliance on the opinion of counsel for the purpose of avoiding the penalty imposed by Section 6662A of the Internal Revenue Code. The firm provides reliance opinions only in formal opinion letters containing the signature of a partner.

025619

Caroline C. Hunter/EAC/GOV
03/31/2007 05:41 PM

To "Rokita, Todd" <trokita@sos.IN.gov>
cc
bcc
Subject Re: Eagleton Voter ID study 

I suppose as comfortable as can be expected.. Now that I've been there a few weeks, I'd like to catch up when you have some time.

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

From: "Rokita, Todd" [trokita@sos.IN.gov]
Sent: 03/30/2007 02:55 PM AST
To: Caroline Hunter
Subject: RE: Eagleton Voter ID study

Thank you Caroline. Do you feel comfortable with how things stand?

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

From: chunter@eac.gov [mailto:chunter@eac.gov]
Sent: Friday, March 30, 2007 12:56 PM
To: chunter@eac.gov
Subject: Eagleton Voter ID study

FYI - The EAC just released the attached press release and statement on a study submitted to the EAC from Rutgers' Eagleton Institute of Politics. The EAC voted to release all of the research submitted by Eagleton; however, the EAC did not adopt the report.

In my opinion, the methodology used by Eagleton is flawed and none of the information submitted is useful in any way. It is difficult to determine exactly what Eagleton did to come to their conclusions.

As noted in the attached statement, Eagleton "compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election - November 2004." Eagleton analyzed Census Bureau voting age population data and found no statistically significant correlation between ID requirements and turnout. So Eagleton then used data from the Current Population Survey (self reported) and found a "significant effect" on turnout. Eagleton concluded, for example, that based on the survey data, "the predicted probability that Hispanics would vote in states that required non-photo identification [NOT a photo ID] 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."

A draft summary of this report was released by the EAC in early February. At that time, several press outlets, including NYT and USA Today, reported that the study shows a chilling effect on turnout in states with voter ID, particularly on minorities. The methodology is so flawed that no reasonable conclusion should be drawn, however, this "conclusion" reported by the press is based on comparing self reported turnout data from the U.S. Census Current Population Survey between states for ONE election year. It is hard to imagine that anyone who reads the report or

025620

even the EAC statement, which includes a summary of the methodology used by Eagleton, will find the study useful.

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

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

025621

Caroline C. Hunter/EAC/GOV
03/16/2007 11:43 AM

To Juliet E. Hodgkins/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, [REDACTED]
cc Thomas R. Wilkey/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC, stephanie.wolson@gmail.com
bcc
Subject Re: Voter ID statement

This looks good to me, thank you Julie. Two things- did Eagleton
approve the 2nd graph and I made a minor change to the 4th bullet as a point of clarification.

Juliet E. Hodgkins

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

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

Commissioners,

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

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

[attachment "Voter ID edited 31507- track changes.doc" deleted by Caroline C. Hunter/EAC/GOV]
[attachment "Voter ID edited 31507- changes accepted.doc" deleted by Caroline C. Hunter/EAC/GOV]

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

025822

Caroline C. Hunter/EAC/GOV
03/13/2007 04:36 PM

To Karen Lynn-Dyson/EAC/GOV
cc Donetta L. Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC,
Juliet E. Hodgkins/EAC/GOV@EAC,
bcc

Subject Re: Latest draft of the EAC Voter ID statement

Attached, please find my edits. My intention was to try to explain in English how the Contractor conducted the study in the 2nd graph of the background statement. I realize I left some information out; for example, how he ran the numbers based on maximum and minimum id requirements. I am open to any suggestions on how to better describe what they did; however, despite reading the report and Appendix C many times, I am still do not understand exactly how the study was conducted. I think we should run the 2nd graph by the Contractor to ensure its accuracy.



VoterID Hunter edits.doc

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

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

03/09/2007 05:20 PM

To Caroline C. Hunter/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, [REDACTED]
cc Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC, twilkey@eac.gov
Subject Latest draft of the EAC Voter ID statement

Commissioners-

Commissioner Hunter noted that several changes to the draft that she had recommended were not included in the latest draft that I sent to Julie and Jeannie. had.

Attached please find this new version which I hope accurately reflects her suggestions; we are asking that everyone take a look at this version.

Please get me your comments and recommended edits by Monday.

Thanks-

025623



Voter ID Statement March 9.doc

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

025624

Karen Lynn-Dyson/EAC/GOV
02/21/2006 02:22 PM

To "Tom O'Neill" [REDACTED]
cc Adam Ambrogi/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC,
Eileen L. Collier/EAC/GOV@EAC, Nicole
bcc
Subject Re: Meeting with EAC in March [REDACTED]

Tom-

I will begin to poll the Commissioners to get a sense of when they might be available to do a "close out " meeting with Eagleton.

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]
02/21/2006 10:45 AM

To klynndyson@eac.gov
cc
Subject Meeting with EAC in March

Karen,

The Eagleton-Moritz team would like to schedule a meeting with the EAC in March. It would be the final substantive meeting on our contract, which expires at the end of March.

The agenda would include:

1. Brief the Commission on the principal findings and recommendations of the Voter ID research and hear questions and comments on that work.
2. Discuss the changes we made to the Provisional Voting paper as a result of comments and questions from the Commission.
3. Explore the Commission's intentions for the use of our work as recommendations for best practices or otherwise.

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