

Jeannie Layson/EAC/GOV
04/10/2007 01:11 PM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc Tom Wilkey, jthompson@eac.gov, psims@eac.gov,
stephanie.wolson@gmail.com, sbanks@eac.gov, Elieen L.
Kuala/EAC/GOV@EAC, Bert A. Benavides/EAC/GOV@EAC
bcc

Subject NYT Interview Request

History:

✉ This message has been replied to.

Commissioners,
Ian Urbina of the NYT is working on a story about our fraud report. He has the original, and he's asking questions about how we arrived at the final version, as well as wanted to confirm that there were intense discussion among the commissioners about whether to release everything.

Madam Chair--I need to know if you can speak with him in the next 30 min. If not, I need to know which commish would be available to speak with Ian. We are under seige, and I think it's very important to have a commish perspective/input in this piece.

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

026906

Bryan Whitener/EAC/GOV
04/04/2007 05:31 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (4-4-07, Wed)

Commissioners:

For the second time in a month, Dan Seligson of Electionline.org requested the same document on voter fraud that was requested of EAC by the House Appropriations Subcommittee on Financial Services. Again, we said that the document that was requested by the subcommittee is considered predecisional under the Freedom of Information Act (FOIA), but that of course we provided it to the subcommittee because they are exempt from FOIA. We noted however, that the EAC adopted a final report on election crimes at our Dec. 7, 2006 public meeting. We said that the final report was based on the research provided by the consultants and additional information gathered by EAC staff and that it is available on our website [here](#). We said that the report includes all of the data reviewed by the consultants. (links on page 24.) and that it also includes all of the recommendations for further study that the consultants put forth. We said that ultimately, the commission adopted four of those recommendations and provided the press release link [here](#). We said that as a small agency, EAC often works with contractors, consultants and experts to gather data and conduct research. After the commission receives the initial data or information, staff then works to incorporate this information into a final EAC report.

###

026907

Jeannie Layson/EAC/GOV
12/12/2006 04:57 PM

To Elieen L. Collver/EAC/GOV@EAC
cc
bcc
Subject Re: Need info from you for annual report

History: This message has been replied to.

Elle,

I need a more complete TGDC roster, including their titles and affiliations. Please see last year's annual report, page 45. Again, I need a complete list of those who served in Fiscal Year 2006, which covers Oct. 1, 2005 through Sept. 30, 2006. Anyone who was not serving as of Sept. 30, I will list them as former members. Please let me know if you have any questions.

Jeannie Layson
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Elieen L. Collver/EAC/GOV



Elieen L. Collver/EAC/GOV
12/12/2006 04:45 PM

To jlayson@eac.gov@EAC
cc bwhitener@eac.gov
Subject Re: Need info from you for annual report

Here is a list of the cities Commissioner Davidson has visited on official business for FY06:

San Francisco, CA
Portland, OR
Albuquerque, NM
Hot Springs, VA
Bismark, ND
Cleveland, OH
Seattle, WA
Austin, TX
Denver, CO
Gaithersberg, MD
Caper, WY
Columbia, SC
Santa Fe, NM
San Diego, CA
Eugene, OR
Chicago, IL
Hartford, CT
Providence, RI
Carson, CA
St. Louis, MO

Roster of TGDC members who served during FY06:

026908

Dr. William Jeffrey
John Gale
Alice Miller
Sharon Turner-Buie
Helen Purcell
Jim Elekes (*resigned July, 26, 2006*)
J.R. Harding (*resigned July 26, 2006*)
H. Stephen Berger
Dr. Brittain Williams
Paul Craft (*replaced August 2, 2006*)
Patrick Gannon
Whitney Quesenberg
Dr. Ronald Rivest
Dr. Daniel Schutzer

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Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
12/12/2006 09:03 AM

To: Elieen L. Collver/EAC/GOV@EAC
cc: bwhitener@eac.gov
Subject: Need info from you for annual report

Elle,

Per Bryan's earlier emails, I need several things from you ASAP for the Annual Report, which covers everything from Oct. 1, 2005 to Sept. 30, 2006. 1) A list of cities the commissioner visited during that time period; 2) The TGDC roster as of Oct. 1, 2005. I also need a list of members who resigned during that time period so I can note their service, even though they won't be listed on the roster. In addition, please make sure her bio on the website is current, as that is what will be in the annual report.

Also, my records indicate that I did not receive a response from you regarding my FOIA request. Please note that it specifically asks for a response from everyone, even if the response is "no records." I'm assuming you have checked with the commissioner to see if she has any responsive records. Original request is below. Please let me know if you have any questions or need clarification about any of this. Thank you.

Hello everyone,

I need each of you to respond affirmatively or negatively to the FOIA request below. If you have no documents in your possession related to this request, please reply to me with the words "no records." If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position.

026909

I need this information and/or a response by COB December 5, 2006. If you cannot comply by this date, please provide notification and an estimated time when you will provide the information and the reason why you cannot comply by the original deadline. Thanks for your cooperation. See request below:

Wendy Weiser of the Brennan Center for Justice has submitted a FOIA request for the voting fraud report prepared by our consultants and the voter ID report, as well as the following information:

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

Please let me know if you would like a copy of the FOIA request.

Jeannie Layson
U.S. Election Assistance Commission
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Washington, DC 20005
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www.eac.gov

026910

Juliet E. Hodgkins/EAC/GOV
11/28/2006 01:35 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Thomas R.
Wilkey/EAC/GOV@EAC
cc Paul DeGregorio/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC
bcc Elieen L. Collver/EAC/GOV
Subject Call in number for tomorrow's briefing on the Voting Fraud
and Voter Intimidation Report

I have made arrangements for a conference call for tomorrow's briefing. There are four lines available. That would be sufficient for Tom, Donetta, and me (if necessary). In addition, there is one additional line in the event someone else needs to call in. If there will be more than the callers identified above (Tom, Donetta, and me) please let me know.

Here is the call in number and pass code:

Local: (202) 708-9998
Toll-Free: (866) 222-9044.

Pass code if you need it is 63114.

The call will be open from 10:30 to 12:00 (just in case we run over the one hour scheduled meeting).

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

026911

Jeannie Layson/EAC/GOV
12/12/2006 09:03 AM

To Elieen L. Colver/EAC/GOV@EAC
cc bwhitener@eac.gov
bcc

Subject Need info from you for annual report

History:  This message has been replied to and forwarded.

Elle,

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Hello everyone,

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Please let me know if you would like a copy of the FOIA request.

Jeannie Layson
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www.eac.gov

026912

Jeannie Layson/EAC/GOV
12/12/2006 09:26 AM

To Elieen L. Collver/EAC/GOV@EAC
cc
bcc
Subject Re: FOIA Request

History

This message has been forwarded

That also applies to the Eagleton contract, which is voter ID. Also, please check with the commissioner to make sure she doesn't have any responsive records.

Jeannie Layson
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Elieen L. Collver/EAC/GOV



Elieen L. Collver/EAC/GOV
12/12/2006 09:23 AM

To jlayson@eac.gov@EAC
cc
Subject Re: FOIA Request

Jeannie,

I don't have any written correspondence regarding the Voter Fraud issue/Tova or Job correspondence.

I did have a few phone calls that came in from one of the members of the working group. But that's it as far as correspondence.

Elle

Elle L.K Collver
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blackberry: (202) 294-9251
www.eac.gov
Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
11/28/2006 10:27 AM

To EAC Personnel
cc
Subject FOIA Request

026913

Hello everyone,

I need each of you to respond affirmatively or negatively to the FOIA request below. If you have no documents in your possession related to this request, please reply to me with the words "no records." If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position.

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Please let me know if you would like a copy of the FOIA request.

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Juliet E. Hodgkins/EAC/GOV
11/16/2006 11:34 AM

To Eileen L. Collver/EAC/GOV@EAC, Sheila A.
Banks/EAC/GOV@EAC, Matthew
Masterson/EAC/GOV@EAC

cc

bcc

Subject Meeting with Commissioners re: Draft Voter Fraud and Voter
Intimidation Report

History

This message has been replied to and forwarded

I need to set a meeting with the Commissioners some time during the week of Nov 27 to discuss their comments/issues on the draft voter fraud/voter intimidation report. Please let me know when they are available either in person or by phone. My only limitations at this point are Wednesday, 12:00 -2:00 and Friday, 9:00 - 10:00.

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

026915

Jeannie Layson/EAC/GOV
11/28/2006 10:27 AM

To EAC Personnel
cc
bcc
Subject FOIA Request

History:  This message has been replied to.

Hello everyone,

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Please let me know if you would like a copy of the FOIA request.

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Jeannie Layson/EAC/GOV
04/10/2007 01:52 PM

To Donetta L. Davidson/EAC/GOV
cc
bcc
Subject interview

We asked them to do two things: 1) define voter fraud and voter intimidation; and 2) provide recommendations for future study.

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026916

Jeannie Layson/EAC/GOV

04/11/2007 10:58 AM

To EAC Personnel

cc

bcc

Subject EAC Statement

Hello everyone,

I'm sure you have read the article in today's NYT about the voter fraud report this agency issued. Today, Congressmen Hinchey and Serrano have issued the following statement. Very shortly, EAC will post and distribute the attached statement to articulate our role and approach to conducting research and the steps we will take to improve our process. Please let me know if you have any questions about this, as I am sure we will all receive phone calls today about this issue. You may also direct people with questions to the statement that will be on the website. I will keep everyone informed as this situation evolves.



2007-11 { 4-11-07 } Statement on Research & Contracting Policies.pdf

For
Immediate
Release

April 11, 2007

Hinchey, Serrano Urge Non-Partisanship, Greater Transparency at Election Assistance Commission

Washington, DC - Today, Congressmen Maurice Hinchey (NY-22) and José E Serrano (NY-16) urged the Election Assistance Commission (EAC) to act with greater transparency and without partisanship. The comments from the congressmen came as the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released.

"The EAC has an obligation to be forthright with the American people and operate transparently and in a non-partisan manner," said Congressman Hinchey, who requested the draft report from EAC Commissioner Donetta L. Davidson during subcommittee hearing last month. "The draft report was commissioned with taxpayer dollars upon a mandate from Congress so that we could learn more about voter fraud and intimidation. The need for this report is even more clear when we see the way in which the Bush administration is carrying out the electoral process and how this system is sliding towards corruption. In hiding a draft report from the public that is significantly different from the final version, the EAC has created a lot more questions than it has answered while stunting debate on the issue. In order for our democracy to function properly it is essential that our elections are free of any corruption and that includes ensuring that the EAC does not work to benefit one political party over the other. To achieve that goal we must have all the facts and opinions on the table, not just

026917

some of them. The EAC must never limit discussion and debate.”

“The EAC is charged with helping to ensure our elections are trustworthy and administered fairly,” said Congressman Serrano, who is Chair of the Appropriations Subcommittee that oversees the EAC budget. “I’m concerned if changes were made to the report on voter fraud because of partisan bias rather than impartial analysis. When you read the draft report side-by-side with the final version, it is clear that important conclusions of the experts who wrote the draft report were excluded from the final product. Among the excluded information was an analysis that undermines the notion that voter fraud is rampant.

“I am concerned that the EAC did not publicly release the taxpayer-funded draft report, and I worry that political considerations may have played a role. We cannot have a politicized EAC, or one that yields to outside pressure. Our democracy, and the American people’s faith in it, is far more important than any short-term political advantage.”

The draft report was written by outside experts under contract with the EAC. The final report was entitled “Election Crimes: An Initial Review and Recommendations for Future Study” and was issued on December 7, 2006.

The EAC is an independent bipartisan commission created by the 2002 Help America Vote Act in order to disburse funds to the states for the purchase of new voting systems, certify voting technologies, develop guidelines and serve as an information resource for election administration.

Jeannie Layson
U.S. Election Assistance Commission
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U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

EAC Statement Regarding Research and Contracting Policies

Commission to Review Internal Procedures

For Immediate Release
April 11, 2007

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

WASHINGTON – The Help America Vote Act of 2002 (HAVA) directs the Election Assistance Commission (EAC) to serve as a national clearinghouse and resource by, among other things, conducting studies with the goal of improving the administration of federal elections. To fulfill this mandate, the EAC has entered into contracts with a variety of persons and entities. Reports adopted by the EAC, a bipartisan federal entity, are likely to be cited as authoritative in public discourse. Prior to the EAC's adopting a report submitted by a contractor, the EAC has the responsibility to ensure its accuracy and to verify that conclusions are supported by the underlying research.

The Commission takes input and constructive criticism from Congress and the public very seriously. We will take a hard look at the way we do business. Specifically, we will examine both the manner in which we have awarded contracts and our decision-making process regarding the release of research and reports. The EAC takes its mandates very seriously, and we will continue to move forward in a bipartisan way to improve the way America votes.

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 Rodriguez, Caroline Hunter and Gracia Hillman.

###

Bryan Whitener/EAC/GOV
04/11/2007 05:49 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (4-11-07, Wed)

Commissioners:

Today we had the following media inquiries:

(1) Commissioner Hillman was interviewed by Allison Keyes of NPR about the fraud report. Commissioner Hillman explained the scope of the contract and that we asked the contractors to do two things: define voter fraud and intimidation and provide recommendations for future study on these topics. The commissioner pointed out that we did not ask them for conclusions. The reporter asked if it was true that EAC was trying to suppress information about voter intimidation among minorities. The commissioner said she had worked all her life to prevent minorities from being intimidated at the polls, and that she was very anxious to embark upon a more expansive study on this very topic. The commissioner said the agency was transparent, and talked about our public meetings and the transcripts and testimony that were available to the public through our website.

NOTE: The interview will be aired repeatedly this evening on the five minute newscast at the top and bottom of the hour. To listen, tune into WAMU 88.5 FM American University Radio or Listen Live.

(2) Laura Strickler of CBS News wanted to know how much we spent on the fraud report and the voter ID report. We told her the fraud and intimidation research contract was for \$147,106, and the voter ID and provisional voting research contract was \$560,002. We explained that voter ID was only part of the contract. It also tasked Eagleton to provide information about provisional voting practices. In Oct. 2006, the Commission issued provisional voting best practices.

(3) Rich Wolfe of USA Today is working on a story on what states will have to do if Rush Holt's bill is enacted. He asked for details on what states and vendors are currently facing in order to transition from the 2002 to the 2005 voting system guidelines which we provided. Brian Hancock also spoke with him on background about the testing and certification program. Mr. Wolf wanted to know more details regarding the differences in the VSS 2002 and the VVSG 2005. Brian explained that the most significant changes related to accessibility and usability. His real concern was what practical effect the VVSG would have on elections 2008. We noted that more than the VVSG, the changes brought about by the EAC implementation of our Testing and Certification Program might have just as big an impact. We noted that we would not be grandfathering any NASED systems, and that if State law required EAC certification, the manufacturers would need to bring their voting systems through the EAC program for full testing. We also explained the implementation date of December 2005 and that as of that date, no systems could apply for testing to the 2002 VSS. We also made sure that Mr. Wolf understood that the EAC program was voluntary and that participation in the EAC certification program would be driven ultimately by the statutes, regulations or procedures in each of the States.

(4) Paul DeGregorio called to let us know he was interviewed by Adam Stichko of the St. Louis Post Dispatch about the fraud report. The reporter wanted to know if the reaction was a major setback for the agency. Paul said no, and that as EAC noted in its statement, it was going to improve its internal operations. He pointed out that sometimes EAC makes tough decisions that both sides of the aisle might not agree upon. But regardless, he said the agency has a responsibility to conduct due diligence, and make the tough decisions. He talked about what we have accomplished and the assistance we provide -- best practices, quick starts, VVSG and certification program.

(5) Meg Cox a freelance writer in Chicago asked what prompted EAC's Statement Regarding Research &

026926

Contracting Policies and whether something new happened in Congress to prompt the statement. We said that the statement contains the information.

(6) Ross Tuttle of Los Angeles was in town today and is working on a documentary series titled "The Freedom Files" which includes an episode on voting rights. He asked for EAC's statement in response to the NYT article on the release of the report. We sent him today's statement.

(7) Kat Zambon of electionline.org asked if other states have a similar partnership arrangement that the Secretary of State in Georgia has with Kennesaw State University to provide technical support for the state's voting machines, as well as outreach, education, ballot design, training and consultation. We said this is the only one that we are aware of.

(8) John Gideon of Voters Unite and Brad Blog had the following questions, and Jeannie's responses follow:

A. How does the EAC see their position as a "clearinghouse" of information as required by HAVA? We follow the mandates of HAVA regarding our responsibilities to conduct studies about election administration issues. The results of those studies make up the "clearinghouse." B. What responsibility does the EAC have with regard to warning states about what may be security vulnerabilities in specific voting systems? The EAC certification program will collect anomaly reports (go here to view the form), which we will then investigate and share with election officials and the public. C. Chairwoman Davidson has said that the EAC's middle name is "Assistance". How does ignoring potential security issues fit into that theme? As I mentioned above, monitoring anomalies is part of our certification program. As we've discussed before, the system you are referring to was not certified by EAC. If the manufacturer of this system wants an EAC certification for this system, it would have to successfully complete our certification process and adhere to all of its rules. EAC did not grandfather any systems already in use (meaning that we did not automatically issue certifications or transfer NASED qualifications to existing systems), including the one you referenced. Mr. Gideon replied that he was amazed that instead of answering the questions I conflated the certification of voting systems with a security vulnerability that is in existence across the country. He asserted this issue had nothing to do with the EAC certification program. I replied that the very fact that we have set up a system to track voting system anomalies is evidence that we think monitoring performance is very important. Again, as we have discussed many times, we did not certify this voting system. If it successfully completes EAC's certification program in the future, then it would be subject to our rules and conditions, and if a problem occurs we would notify the election community and the public.

###

Rosemary E.
Rodriguez/EAC/GOV
04/12/2007 08:28 AM

To Juliet E. Hodgkins/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,
Donetta L. Davidson/EAC/GOV@EAC
cc Sheila A. Banks/EAC/GOV@EAC, Elieen L.
Kuala/EAC/GOV@EAC, "Stephanie Wolson"
[REDACTED], "Fabre, Stacie"
bcc [REDACTED]

Subject Re: Draft letter to board of advisors and standards board

Pls see the front page of today's NYTimes--scant evidence of voter fraud

Juliet E. Hodgkins

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

From: Juliet E. Hodgkins
Sent: 04/12/2007 07:31 AM EDT
To: Caroline Hunter; Gracia Hillman; Donetta Davidson; Rosemary Rodriguez
Cc: Sheila Banks; Elieen Kuala; "Stephanie Wolson"
<[REDACTED]>; "Fabre, Stacie" <[REDACTED]>; Thomas
Wilkey; Gavin Gilmour; Jeannie Layson
Subject: Re: Draft letter to board of advisors and standards board

From the variety of comments it is not clear to me that there is a common understanding on how to proceed and what we should say -- or at least I am not comfortable that I understand how you all want this letter to read. So, I would suggest we spend a bit more time on the theme this morning so that I can efficiently and accurately edit the letter so that we can get it out timely today.

Sent from my BlackBerry Wireless Handheld

Caroline C. Hunter

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

From: Caroline C. Hunter
Sent: 04/12/2007 07:27 AM EDT
To: Gracia Hillman; Juliet Hodgkins; Donetta Davidson; Rosemary Rodriguez
Cc: Sheila Banks; Elieen Kuala; "Wolson" <[REDACTED]>;
"Fabre, Stacie" <[REDACTED]>; Thomas Wilkey; Gavin Gilmour;
Jeannie Layson
Subject: Re: Draft letter to board of advisors and standards board

Keeping it narrow to the current controversy is ok with me, but I think we cannot assume people know how the recent events unfolded, ie Cong released, NYT wrote, etc.

Gracia Hillman

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

From: Gracia Hillman
Sent: 04/12/2007 07:22 AM EDT
To: Caroline Hunter; Juliet Hodgkins; Donetta Davidson; Rosemary Rodriguez
Cc: Sheila Banks; Elieen Kuala; "Wolson" <[REDACTED]>;
"Fabre, Stacie" <[REDACTED]>; Thomas Wilkey; Gavin Gilmour;
Jeannie Layson
Subject: Re: Draft letter to board of advisors and standards board

It appears there will be a substantive rewrite so I will save my edits for that version.

However, my original suggestion was to communicate with the boards about the current controversy, not just research in general. Otherwise it looks like we are sidestepping the problem at hand, which is why we are writing to the boards in the first place.

026922

Jeannie Layson/EAC/GOV
04/12/2007 08:38 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
cc
bcc
Subject FOIA Request

History:  This message has been replied to.

Today I will circulate a formal FOIA request to all of you. Please note that this request is from a journalist. The information I circulate will include a copy of the original request, which was made by the DC bureau of McClatchy Newspapers. An abbreviated version of the request follows:

"Copies of all emails between Job Serebrov and Election Assistance Commission staff or members and all emails between Tova Wang and commission staff or members pertaining to a voter fraud study the two were contracted to perform for EAC."

Some of you have provided similar information in the past, but I will need another complete submission that includes any related files that may have been generated since your last submission.

Please anticipate a formal request to be distributed to everyone today, and take note that the deadline to provide this information is April 30. Thank you.

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

026923

Jeannie Layson/EAC/GOV
04/06/2007 05:27 PM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc EAC Staff

bcc

Subject FYI ONLY: Today's media inquiries (04-06-07)

1. I confirmed for Matt Murray of Roll Call that Comm. Hunter is a Republican and that she came to EAC in March. He asked for our FY budget figures, which I sent to him. He asked if it was true that we bungled the certification of voting systems in reference to the CIBER situation. I said that it had nothing to do with certifying voting systems, and explained the entire interim process and the reason we had to implement after NIST told us they wouldn't get labs accredited until late 2006 and NASED's termination of its program. I said we announced this program and our decision to invite the three labs to apply at a public meeting in 2005, and that we've had several public meetings about the interim program, as well as sending updates to our stakeholders. He asked me how I would characterize the criticism surrounding CIBER, and I said the feedback we received was that we should have been more proactive in reminding people that CIBER had not received interim certification, that it was still pending. I emphasized that we have not certified any voting systems, so it would be incorrect to state that we had "bungled" that process. He asked if we released the Eagleton data after Hinchey urged us to, and I said yes, but told him that the chair announced that we would complete this project w/n 30 days at a public meeting in Feb. in which Eagleton testified and answered questions about their methodology. I also gave him the following quote: We have a responsibility to take the time to get things right. However, we understand the criticism and we are taking a hard look at our internal processes. We will identify what changes need to be made, and we will make them. We take comments from Congress very seriously, and we appreciate their input and their willingness to give us what we need to get the job done.

2. The chair was interviewed by Pam Zubeck of the Gazette (CO) about what she's seeing regarding voting by mail. The chair talked about the trends in the NW, and how it was important to make sure states have accurate and up to date lists. She noted that the introduction of statewide databases will be especially helpful to those states. The reporter asked if CO sends out ballots to inactive voters, and the chair said yes, and told her it is a federal requirement that voters must be notified before they are removed from voter rolls.

3. Freelance journalist Meg Cox, who is writing an article for Op-Ed News, had the following questions, and my responses follow: a) You said that the Wang/Serebrov report has not been released because it was predecisional. Was the Moritz/Eagleton report released because it was not predecisional? The Moritz/Eagleton report was a predecisional document. The commissioners took an action not to adopt a final report based upon the Moritz/Eagleton report, but to release all the predecisional information (the draft report).

b) I understood you to say that the December EAC report includes all of the Wang/Serebrov recommendations but not all of the Wang/Serebrov findings. Is that correct? The report does include all of their recommendations, as well as the research they reviewed, which includes books and articles and court cases. The contract with the consultants did not ask them to produce findings. It was an initial effort to identify what relevant information is available, define voter fraud and voter intimidation, and make recommendations to EAC regarding future study.

c) I understood you to say that EAC staff added results of their own research to the December EAC report. Is that correct? Yes, EAC conducted additional research to further clarify the definitions of "voter fraud" and "voter intimidation." On page 13, you will see the results of the EAC research, which resulted in defining the scope of future study and new terminology for these topics -- election crimes. EAC staff reviewed the report for accuracy, for grammar and added language that reflected the commission's decision to adopt the final version based upon the initial research provided by the consultants. New language was also added to communicate the commission's decision adopt six of the 16 recommendations put forth by the consultants.

d) If I'm correct on questions 2 and 3, would it be accurate to say that readers of the December report

026924

cannot tell how much of that report does and does not reflect the original Wang/Serebrov findings? Again, the contract with the consultants did not ask them to produce findings, nor was that the scope of the contract. It was an initial effort that tasked them to identify what relevant information is available, define voter fraud and voter intimidation, and make recommendations to EAC regarding future study. The research (Appendix D, 197 pages; and Appendix B, 57 pages) and all of their recommendations are included in the final report.

e) I called earlier today requesting the Wang/Serebrov report, and you sent me the December EAC report. I am concerned that if I had not already been researching this closely, I would have thought that you'd sent me the Wang/Serebrov report and would have reported incorrectly that you had. Does the EAC have any comment on this manner of replying to press inquiries? (I contacted you to request the report after I read in the Statesman Journal of Salem, Oregon, an article by Marie Cocco that says: "The bipartisan commission didn't widely release the consultants' review, but makes it available on request." Did the EAC indeed give Ms. Cocco a copy of the "consultants' review"? Or has she misunderstood you in the way I'm concerned about?) I sent you a link to the "EAC report" because it is what was adopted by the commission based upon the research conducted by the consultants. The final report clearly states how it was compiled, includes bios for both of the consultants, their research and summaries of their interviews. Regarding Ms. Cocco, I explained the entire process to her. I provided the staff update on the project which was presented at a public meeting in May 2006 and the final report, which is posted on the EAC website. Regarding "this manner of responding to press inquiries," I have forwarded your comments to my supervisor so he can review my performance regarding the handling of your inquiry.

f) I understood you to say that the EAC did not release the Wang/Serebrov report in its original form because the EAC has to do due diligence and its staff is small. Do I understand you correctly? As a small agency of 23 employees, including the four commissioners, it is necessary for the agency to contract with consultants to gather the initial data for research projects. After EAC receives the initial data, the agency reviews the data for accuracy. What form of due diligence does the EAC's staff routinely conduct on research that is contracted out to experts before that research is released? You mentioned "vetting" the research. What does that vetting entail? It depends on the project, but in every case, the agency has a responsibility to make sure the information it receives from any contractor is accurate. In this case, EAC staff read every article cited by the consultants and reviewed the contents of every interview they conducted. Appendix C contains the interview summaries, and the changes EAC made are clearly footnoted. Regarding other research projects, if it is information directly related to a mandate within the Help America Vote Act (HAVA), staff will make sure that the information is consistent with the law. If the research focuses on election laws throughout the country, we make sure the laws are cited correctly and that state legislatures haven't changed or amended these laws since the research was conducted. (As you probably know, there have been many new election laws introduced at the state level since 2004.) Throughout the process, we review for grammar as well as make sure the document flows and is arranged logically -- the basic tenets of editing.

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

026925

Jeannie Layson/EAC/GOV
04/05/2007 04:53 PM

To Donetta L. Davidson/EAC/GOV, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Rosemary E.
cc EAC Staff

bcc

Subject FYI ONLY: Today's media inquiries (04-05-07)

1. Matthew Murray of Roll Call interviewed Commissioner Hunter about the voter ID report. He asked her why the commission declined to adopt it, and she explained that we thought it was important to look at more than one year and that the commission had questions about the methodology -- two analyses produced two conclusions and the state comparisons (reading from the commission statement). She said it was the EAC's responsibility to conduct due diligence and make sure the data was accurate. He asked why it took so long to reach a decision, and that some groups were saying we purposely did not act before the Nov. elections. The commissioner explained that we were reviewing the data and during that time several independent experts also reviewed the information. He wanted to know if Eagleton discussed their methodology with us, and the commissioner said yes. He asked how much it cost, the commissioner told him \$560,000, and explained that the contract also included research on provisional voting which resulted in a set of best practices. He asked how EAC will prevent this kind of thing from happening in the future, and the commissioner said we are going to take a much more thorough approach, including making sure the methodology is approved by everyone before the process begins and that we will be constantly updated as the research progresses. He asked if the research didn't produce what we thought it would, and she said the issue was that we had concerns about the methodology. She pointed out that the commission voted to make it public so people could examine it and come to their own conclusions. He asked if we had refused to release this in the past, and I explained that while we were reviewing the information it was a pre-decisional document, but that along with the commission's decision not to adopt the report, they took action to make it public. I pointed out to him that this was an unanimous decision reached by two dems and two reps, and that they also unanimously decided to make it public. I told him we had public meetings about this project, in which the consultants were asked questions about the methodology.

Jeannie Layson
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026926

Rosemary E.
Rodriguez/EAC/GOV
04/04/2007 05:25 PM

To Jeannie Layson/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
bcc
Subject Re: Roll Call Interview Request for Tomorrow 

Yes please and thanks!

Jeannie Layson

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

From: Jeannie Layson
Sent: 04/04/2007 05:00 PM EDT
To: Donetta Davidson; Caroline Hunter; Rosemary Rodriguez; Gracia Hillman
Cc: Thomas Wilkey; Karen Lynn-Dyson; Juliet Hodgkins
Subject: Roll Call Interview Request for Tomorrow

Commissioners,

Matt Murray of Roll Call wants to interview one of you tomorrow via phone (he's available all day) about the voter ID report. Commissioner Rodriguez - as the vice chair, you would be up, but since you're out tomorrow, do you want Commissioner Hunter to do the interview? The reporter has the following questions:

1. What fiscal year money did we use to pay for the study? A: Fiscal Year 2005
2. What was the EAC's budget during that fiscal year? A: \$13.8 million

We should assume that his angle is that this was a waste of money -- what does EAC have to show for two years of work and \$560,000 out of a budget of \$13.8 million? He also mentioned that the interest groups are not pleased that we delayed releasing this information, and they are not happy we did not adopt a report. I recommend that we stick with the talking points I circulated last week, which are attached.

The bottom line is that we did receive value from this contract, which included provisional voting research, which culminated in a set of best practices. And yes, the commission decided that the voter ID data provided more questions than answers, and that's why it voted to conduct a much more expansive look at this important topic. However, it also made all of the information available to the public.

Remember, many voter ID laws have changed since 2004, and that also has instructed us how to move forward.

EAC should stand firm on its decision, talk about our next steps to conduct a more extensive study, and stress that we released everything to the public.

Please let me know if you agree with this approach.

[attachment "VoterIDtalkingpts.doc" deleted by Rosemary E. Rodriguez/EAC/GOV]

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

026927

Jeannie Layson/EAC/GOV
03/30/2007 08:33 PM

To "Donetta Davidson" <ddavidson@eac.gov>, "Gracia Hillman" <ghillman@eac.gov>, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. cc "Tom Wilkey" <twilkey@eac.gov>, "Karen Lynn-Dyson" <klynnnyson@eac.gov>, "Julie Thompson" <jthompson@eac.gov>

bcc

Subject Hinchey statement

Hinchey Statement on U.S. Election Assistance Commission's

Release of Report on Voter Identification Issues

Washington, DC - Congressman Maurice Hinchey (D-NY) today released the following report in response to the U.S. Election Assistance Commission's (EAC) release of a report on voter identification issues that was submitted to them by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, and Ohio State University's Moritz College of Law. Hinchey directly requested the release of the report when EAC Chairwoman Donetta Davidson appeared earlier this month before the House Appropriations Subcommittee on Financial Services, of which the congressman is a member. Davidson told Hinchey at the hearing that she would provide the subcommittee with the report that is being released to the public today. Hinchey also requested the release of a separate report on voter fraud and intimidation. The Help America Vote Act (HAVA) requires the EAC to conduct and make available to the public studies regarding certain voting issues.

"I am very pleased that following Chairwoman Davidson's appearances before Congress the EAC decided to do the right thing and make public the Eagleton Institute of Politics study on voter identification issues. I hope that this decision signals a new day of transparency and sets a precedent for all future and previous studies and reports submitted to the EAC.

"When Chairwoman Davidson came before our subcommittee a few weeks ago, I also requested that the EAC make public another report about voter fraud and voter intimidation submitted to them by two outside consultants. It is my hope they will release this report to the public as well. The EAC has the responsibility to keep the public informed on any findings it has with regards to voter fraud, intimidation, and any other electoral issues.

"As we work to increase voter turnout and make our democracy function more effectively, it is imperative that potential voters are assured that they will be able to cast their votes fairly and in an environment free of intimidation. To achieve that goal, the EAC must be open with the information it receives in order to help identify voting problems and make recommendations on fixing them."

Sent from my BlackBerry Wireless Handheld

026928

Rosemary E.
Rodriguez/EAC/GOV
04/12/2007 12:25 PM

To Jeannie Layson/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, bwhitener@eac.gov,
Caroline C. Hunter/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Elieen L.
bcc
Subject Re: FOIA Request

I do not have anything. Thanks.

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

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/12/2007 08:38 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC, jthompson@eac.gov,
klyndyson@eac.gov, psims@eac.gov, sbanks@eac.gov,
Elieen L. Kuala/EAC/GOV@EAC, Bert A.
Benavides/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV,
bwhitener@eac.gov, [REDACTED]
cc
Subject FOIA Request

Today I will circulate a formal FOIA request to all of you. Please note that this request is from a journalist. The information I circulate will include a copy of the original request, which was made by the DC bureau of McClatchy Newspapers. An abbreviated version of the request follows:

"Copies of all emails between Job Serebrov and Election Assistance Commission staff or members and all emails between Tova Wang and commission staff or members pertaining to a voter fraud study the two were contracted to perform for EAC."

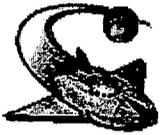
Some of you have provided similar information in the past, but I will need another complete submission that includes any related files that may have been generated since your last submission.

Please anticipate a formal request to be distributed to everyone today, and take note that the deadline to provide this information is April 30. Thank you.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100

026929

Washington, DC 20005
Phone: 202-566-3100
www.eac.gov



Elieen L. Kuala/EAC/GOV
04/12/2007 02:18 PM

To Donetta L. Davidson/EAC/GOV@EAC
cc
bcc
Subject Re: FOIA Request

History: This message has been replied to and forwarded.

I did a search through your emails with their names and I didn't find any. I don't have any either. However, I will check and see if we have any mailed correspondence hard copies.

Elle L.K. Kuala
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392
blackberry: (202) 294-9251

Donetta L. Davidson/EAC/GOV

Donetta L.
Davidson/EAC/GOV
04/12/2007 01:33 PM

To Jeannie Layson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Elieen L. Kuala/EAC/GOV@EAC, Bert A. Benavides/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC, Bryan Whitener/EAC/GOV@EAC, "stephanie wolson" <stephanie.wolson@gmail.com>

cc
Subject Re: FOIA Request

Elle, I don't think I have any emails from Job or Tova, but to be on the safe side would you double check

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

From: Jeannie Layson
Sent: 04/12/2007 08:38 AM EDT
To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez; Thomas Wilkey; Juliet Hodgkins; Karen Lynn-Dyson; Margaret Sims; Sheila Banks; Elieen Kuala; Bert Benavides; Gavin Gilmour; Bryan Whitener; stephanie.wolson@gmail.com
Subject: FOIA Request

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

026932



Elieen L. Kuala/EAC/GOV
04/13/2007 02:00 PM

To Donetta L. Davidson/EAC/GOV@EAC
cc
bcc
Subject Re: FOIA Request

History: This message has been replied to.

I checked all of our paper records and found nothing so I submitted our FOIA response to Jeannie.

Elle L.K. Kuala
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392
blackberry: (202) 294-9251

Donetta L. Davidson/EAC/GOV

Donetta L.
Davidson/EAC/GOV
04/13/2007 12:36 PM

To Elieen L. Kuala/EAC/GOV@EAC
cc
Subject Re: FOIA Request

Thanks

Sent from my BlackBerry Wireless Handheld
Elieen L. Kuala
----- Original Message -----

From: Elieen L. Kuala
Sent: 04/12/2007 02:18 PM EDT
To: Donetta Davidson
Subject: Re: FOIA Request

I did a search through your emails with their names and I didn't find any. I don't have any either. However, I will check and see if we have any mailed correspondence hard copies.

Elle L.K. Kuala
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392
blackberry: (202) 294-9251

Donetta L. Davidson/EAC/GOV

Donetta L.

025933

Davidson/EAC/GOV
04/12/2007 01:33 PM

To Jeannie Layson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Elieen L. Kuala/EAC/GOV@EAC, Bert A. Benavides/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC, Bryan Whitener/EAC/GOV@EAC, "stephanie wolson" <[REDACTED]>

cc

Subject Re: FOIA Request 

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

From: Jeannie Layson
Sent: 04/12/2007 08:38 AM EDT
To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez; Thomas Wilkey; Juliet Hodgkins; Karen Lynn-Dyson; Margaret Sims; Sheila Banks; Elieen Kuala; Bert Benavides; Gavin Gilmour; Bryan Whitener; stephanie.wolson@gmail.com
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Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

026934



Elieen L. Kuala/EAC/GOV
04/14/2007 09:58 PM

To Donetta L. Davidson/EAC/GOV@EAC
cc
bcc
Subject Re: FOIA Request

History

This message has been replied to

Also I got your message and I will get to work on that tomorrow. I will email Tom and we can talk about what you want to write to Curtis.

Elle Collver
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, D.C. 20005
(202) 566-2256
www.eac.gov

Sent from my BlackBerry Wireless Handheld
Donetta L. Davidson
----- Original Message -----

From: Donetta L. Davidson
Sent: 04/14/2007 12:35 PM EDT
To: Elieen Kuala
Subject: Re: FOIA Request

Thanks

Sent from my BlackBerry Wireless Handheld
Elieen L. Kuala
----- Original Message -----

From: Elieen L. Kuala
Sent: 04/13/2007 02:00 PM EDT
To: Donetta Davidson
Subject: Re: FOIA Request

I checked all of our paper records and found nothing so I submitted our FOIA response to Jeannie.

Elle L.K. Kuala
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392
blackberry: (202) 294-9251

Donetta L. Davidson/EAC/GOV

Donetta L.
Davidson/EAC/GOV
04/13/2007 12:36 PM

To Elieen L. Kuala/EAC/GOV@EAC
cc

026935

Subject Re: FOIA Request

Thanks

Sent from my BlackBerry Wireless Handheld
Elieen L. Kuala
----- Original Message -----

From: Elieen L. Kuala
Sent: 04/12/2007 02:18 PM EDT
To: Donetta Davidson
Subject: Re: FOIA Request

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Donetta L. Davidson/EAC/GOV

Donetta L.
Davidson/EAC/GOV
04/12/2007 01:33 PM

To: Jeannie Layson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Elieen L. Kuala/EAC/GOV@EAC, Bert A. Benavides/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC, Bryan Whitener/EAC/GOV@EAC, "stephanie wolson" <[REDACTED]>

cc

Subject Re: FOIA Request

Elle, I don't think I have any emails from Job or Tova, but to be on the safe side would you double check

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

From: Jeannie Layson
Sent: 04/12/2007 08:38 AM EDT

026936

To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez; Thomas Wilkey; Juliet Hodgkins; Karen Lynn-Dyson; Margaret Sims; Sheila Banks; Elieen Kuala; Bert Benavides; Gavin Gilmour; Bryan Whitener; stephanie.wolson@gmail.com

Subject: FOIA Request

Today I will circulate a formal FOIA request to all of you. Please note that this request is from a journalist. The information I circulate will include a copy of the original request, which was made by the DC bureau of McClatchy Newspapers. An abbreviated version of the request follows:

"Copies of all emails between Job Serebrov and Election Assistance Commission staff or members and all emails between Tova Wang and commission staff or members pertaining to a voter fraud study the two were contracted to perform for EAC."

Some of you have provided similar information in the past, but I will need another complete submission that includes any related files that may have been generated since your last submission.

Please anticipate a formal request to be distributed to everyone today, and take note that the deadline to provide this information is April 30. Thank you.

Jeannie Layson
U.S. Election Assistance Commission
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Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

026937

Jeannie Layson/EAC/GOV
04/16/2007 10:18 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
bcc

Subject Chair Requests Internal Review

Commissioners,

The chair has asked me to provide you with the memo she just submitted to Curtis Crider, requesting a review of our contracting procedures surrounding the voter identification and vote fraud and voter intimidation research projects. She has asked me to write a press release about this decision, which I will send to you shortly. She requests that we incorporate the commission's request into the letter to the advisory boards and to Congresswoman Lofgren. She also requests that we respond to Sen. Feinstein's letter, letting her know that we are working to comply with her request, but we wanted to alert her to the action we've taken.

I am going to circulate this to the staff so everyone will be aware of this action. Please let me know if you have any questions, and I will have a press release for your review shortly. Attached to the press release will be this memo, letters from Members of Congress regarding this issue, and the recent statements from Congressmen Hinchey and Serrano.



IG Review Req. 4-16-07.doc

Jeannie Layson
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www.eac.gov

026938



April 16, 2007

MEMORANDUM

To: EAC Inspector General Curtis Crider
Fr: EAC Chair Donetta Davidson
Cc: Commissioners Rodriguez, Hillman and Hunter, Tom Wilkey, and Julie Hodgkins
RE: EAC requests review of contracting procedures

On Friday, April 13, each of my three colleagues – Rosemary Rodriguez, Gracia Hillman, and Caroline Hunter -- agreed with my recommendation that we issue the following formal request to the Commission’s Office of Inspector General to review the circumstances surrounding two recent EAC research projects – vote fraud and voter intimidation and voter identification.

Background

The U.S. Election Assistance Commission (EAC) is an independent, bipartisan Commission created by the Help America Vote Act (HAVA) of 2002.

EAC develops guidance to meet HAVA requirements, adopts voluntary voting system guidelines, accredits voting system test laboratories, certifies voting systems and audits the use of HAVA funds. HAVA also directs EAC to maintain the national mail voter registration form developed in accordance with the National Voter Registration Act (NVRA) of 1993.

The Commission serves as a national clearinghouse and resource of information regarding election administration. It is under the Commission’s clearinghouse role that research projects are conducted with the goal of providing information that will lead to improvements in election administration, as well as inform the public about how, where and when we vote.

The voter identification research was conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics (“Contractor”). The contract, awarded in May 2005, required the 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. Last month, the commission voted

unanimously not to adopt the report, citing concerns with its methodology, but voted to release all of the data provided by the Contractor.

The vote fraud and voter intimidation research was conducted by Tova Wang and Job Serebrov ("Consultants"). The contracts, awarded in September 2005, issued to these Consultants tasked them with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the Consultants were responsible for "creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future EAC research resulting from this effort."

Review Request

The actions taken by the Commission regarding both the voter identification and the vote fraud and voter intimidation research projects have been challenged. Specifically, Members of Congress, the media, and the public have suggested that political motivations may have been part of the Commission's decision making process regarding these two projects. Also, the Commission has been criticized for the amount of taxpayer dollars that were spent on these two projects, as well as how efficiently these projects were managed.

The Commission takes these allegations very seriously, and we request that you fully review the following issues and provide the Commission and the Congress with a report of your findings as soon as possible. The Commission stands ready to assist you in these efforts and will provide whatever information, including memos, emails and other documents you will need. Cooperating with your review will be the staff's top priority.

1. Current Commission policy regarding awarding and managing research contracts.
2. Issuance and management of the vote fraud and voter intimidation contract.
3. Circumstances surrounding the receipt of information from Consultants regarding the vote fraud and voter intimidation project.
4. Circumstances surrounding staff efforts to write a final report for Commission consideration.
5. Identification of staff members who assisted in the editing and collaboration of the final vote fraud and voter intimidation report for Commission consideration.
6. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the vote fraud and voter intimidation project.
7. Circumstances surrounding Commission discussion and deliberation of final adoption of *Election Crimes: An Initial Review and Recommendation for Further Study*.
8. Issuance and management of the voter identification contract.
9. Circumstances surrounding the receipt of information from Contractor regarding the voter identification report.
10. Identification of staff members who assisted in the editing, collaboration, and recommendation to the Commission regarding final adoption of the voter identification report.

11. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the voter identification project.
12. Circumstances surrounding Commission deliberation whether to adopt a final voter identification report.

For your information, I have attached statements and related correspondence from Members of Congress, and a statement issued by the Commission regarding the criticism.

It is our hope that your findings will instruct us how to move forward in a more efficient, effective and transparent manner. The Commission takes its mandates under HAVA very seriously, and this small Commission has an enormous amount of work to conduct, including testing and certifying voting equipment, providing guidance and assistance to election officials, and auditing the proper use of the \$3.1 billion that was distributed under HAVA.

We look forward to your findings so that we may take the actions necessary to improve the way we conceive research projects, manage research contracts, and make decisions regarding the final release of data provided to the Commission from a third party.

Jeannie Layson/EAC/GOV
04/16/2007 11:33 AM

To Caroline C. Hunter/EAC/GOV@EAC
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
bcc
Subject Re: IG Press Release 

It's in there... first sentence in the fourth paragraph: "Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification laws **after concluding that initial research it received in a report was not sufficient to draw any conclusions.**"

Please let me know if that is sufficient.

Jeannie Layson
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www.eac.gov
Caroline C. Hunter/EAC/GOV

Caroline C. Hunter/EAC/GOV
04/16/2007 11:28 AM

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Wilkey/EAC/GOV@EAC
Subject Re: IG Press Release 

Could we pls add a sentence about why we did not adopt the fraud report - ie- had conclusions that were not supported by the underlying research.

Caroline C. Hunter
Commissioner
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www.eac.gov

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/16/2007 11:13 AM

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C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC

026942

Subject IG Press Release

Commissioners,

Per the chair's request, I have drafted the following press release to communicate the commission's decision to ask the IG to review our contract procedures. Please let me know if this is okay with all of you. I would like this to go out ASAP, so if you could get back to me with any comments before noon, I would appreciate it. Sorry for the short turnaround, but I think circumstances demand that this get out immediately. Thank you.

After you give me the okay on the press release, I will send everything to staff before releasing it.



EAC IGRequest 04-16-07.doc

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026943



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

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

For Immediate Release
April 16, 2007

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

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.

“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 and voter intimidation research project.

Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification laws after concluding that initial research it received in a report was not sufficient to draw any conclusions. The commission declined to adopt the report, but released 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.

At a public meeting in December 2006, the commission adopted *Election Crimes: An Initial Review and Recommendations for Further Study*, available at www.eac.gov. This report was the culmination of research conducted by Tova Wang and Job Serebrov, who were tasked with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the consultants were responsible for “creating a report summarizing the findings of this preliminary research effort and working group deliberations. This report should include any recommendations for future EAC research resulting from this effort.”

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Caroline C. Hunter/EAC/GOV
04/16/2007 11:38 AM

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Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
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bcc
Subject Re: IG Press Release 

I was referring to the fraud study and why we did not release the contractor's report

Caroline C. Hunter
Commissioner
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Subject Re: IG Press Release 

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Please let me know if that is sufficient.

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Subject Re: IG Press Release 

026945

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Jeannie Layson/EAC/GOV
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cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
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After you give me the okay on the press release, I will send everything to staff before releasing it.



EAC IGRequest 04-16-07.doc

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026946



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

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

For Immediate Release
April 16, 2007

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

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"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.

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Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification laws after concluding that initial research it received in a report was not sufficient to draw any conclusions. The commission declined to adopt the report, but released 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.

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###

Jeannie Layson/EAC/GOV

04/16/2007 12:01 PM

To Caroline C. Hunter/EAC/GOV@EAC

cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.

bcc

Subject Re: IG Press Release 

Sorry bout that... is this sentence acceptable to everyone? It's the last sentence in the fifth paragraph.
Revised press release is attached.

"EAC staff reviewed the consultants' material, and found inconsistencies in their conclusions and the data they submitted. The material in the final report was motivated by a responsibility, especially as a federal agency, to issue findings only when they are supported by data that can enable EAC to firmly defend its conclusions."



EAC IGRequest 04-16-07FINAL.doc Jeannie Layson

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www.eac.gov

Caroline C. Hunter/EAC/GOV

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04/16/2007 11:38 AM

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Subject Re: IG Press Release 

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Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV

04/16/2007 11:33 AM

To Caroline C. Hunter/EAC/GOV@EAC

026948

cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
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04/16/2007 11:28 AM

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Rodriguez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC

026949

Subject IG Press Release

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EAC IGRequest 04-16-07.doc

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026950



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

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

For Immediate Release
April 16, 2007

Contact: Jeannie Layson
Bryan Whitener
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###

026951

Rosemary E.
Rodriguez/EAC/GOV
04/16/2007 12:19 PM

To Jeannie Layson/EAC/GOV
cc Caroline C. Hunter/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, ghillman@eac.gov, Juliet E.
Hodgkins/EAC/GOV@EAC, Thomas R.
bcc
Subject Re: IG Press Release 

Since it's Donetta's statement, I think she should her consent is important. I don't see a need to defend our actions in this release but simply to announce that we have asked the IG to take a look.

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

Jeannie Layson/EAC/GOV

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04/16/2007 12:01 PM

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EAC IG Request 04-16-07 FINAL.doc Jeannie Layson
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Caroline C. Hunter/EAC/GOV

026952

Caroline C. Hunter/EAC/GOV
04/16/2007 11:38 AM

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cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
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U.S. Election Assistance Commission
1225 New York Ave., NW
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Phone: 202-566-3100
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Caroline C. Hunter/EAC/GOV

Caroline C. Hunter/EAC/GOV
04/16/2007 11:28 AM

To Jeannie Layson/EAC/GOV@EAC
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.

026953

Rodriguez/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
Subject Re: IG Press Release 

Could we pls add a sentence about why we did not adopt the fraud report - ie- had conclusions that were not supported by the underlying research.

Caroline C. Hunter
Commissioner
Election Assistance Commission
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Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/16/2007 11:13 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
Subject IG Press Release

Commissioners,

Per the chair's request, I have drafted the following press release to communicate the commission's decision to ask the IG to review our contract procedures. Please let me know if this is okay with all of you. I would like this to go out ASAP, so if you could get back to me with any comments before noon, I would appreciate it. Sorry for the short turnaround, but I think circumstances demand that this get out immediately. Thank you.

After you give me the okay on the press release, I will send everything to staff before releasing it.



EAC IGRequest 04-16-07.doc

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026954



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

Deliberative Process
Privilege

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

For Immediate Release
April 16, 2007

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

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.

"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 and voter intimidation research project.

Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification laws after concluding that initial research it received in a report was not sufficient to draw any conclusions. The commission declined to adopt the report, but released 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.

At a public meeting in December 2006, the commission adopted *Election Crimes: An Initial Review and Recommendations for Further Study*, available at www.eac.gov. This report was the culmination of research conducted by Yeva Wang and Job Serebrov, who were tasked with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the consultants were responsible for "creating a report summarizing the findings of this preliminary research effort and working group deliberations. This report should include any recommendations for future EAC research resulting from this effort." EAC staff reviewed the consultants' material, and found inconsistencies in their conclusions and the data they submitted. The material in the final report was motivated by a responsibility, especially as a federal agency, to issue findings only when they are supported by data that can enable EAC to firmly defend its conclusions.

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 Rodriguez, Caroline Hunter and Gracia Hillman.

###

026956

Jeannie Layson/EAC/GOV
04/16/2007 03:18 PM

To EAC Personnel, fms.eacfabre@yahoo.com
cc
bcc
Subject Chair requests internal review

Hello everyone,

I wanted to notify you that Chair Davidson, in agreement with the other three commissioners, has requested that our IG -- Curtis Crider -- conduct a review of our contracting procedures surrounding the voter identification and vote fraud and voter intimidation research projects. Very shortly, I will distribute her request along with a press release to the media and to all our stakeholders. However, she wanted to make sure the staff was fully informed about this action before we make this news public.

The chair's request, the press release and all of the materials referenced in her request will be available on the home page under Announcements very shortly. Please direct anyone with questions about this action to the website. And let me know if you have questions about any of this information or if I can be of assistance answering questions from the public about this issue.

The chair wants to convey to everyone how much she appreciates your hard work, and that she is confident in our ability to work with Curtis to resolve this issue. Tom would like staff to join him at 3:30 today in the large conf. room upstairs to answer any questions you have.



2007-13 [4-16-07] EAC Requests Review of Voter ID, Fraud & Intimidation Research Projects.pdf

Jeannie Layson
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026957



U.S. ELECTION ASSISTANCE COMMISSION
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Washington, DC 20005

**Deliberative Process
Privilege**

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

For Immediate Release
April 16, 2007

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

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.

"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 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.

###

026958



April 16, 2007

MEMORANDUM

To: EAC Inspector General Curtis Crider
Fr: EAC Chair Donetta Davidson
Cc: Commissioners Rodriguez, Hillman and Hunter, Tom Wilkey, and Julie Hodgkins
RE: EAC requests review of contracting procedures

On Friday, April 13, each of my three colleagues – Rosemary Rodriguez, Gracia Hillman, and Caroline Hunter -- agreed with my recommendation that we issue the following formal request to the Commission's Office of Inspector General to review the circumstances surrounding two recent EAC research projects – vote fraud and voter intimidation and voter identification.

Background

The U.S. Election Assistance Commission (EAC) is an independent, bipartisan Commission created by the Help America Vote Act (HAVA) of 2002.

EAC develops guidance to meet HAVA requirements, adopts voluntary voting system guidelines, accredits voting system test laboratories, certifies voting systems and audits the use of HAVA funds. HAVA also directs EAC to maintain the national mail voter registration form developed in accordance with the National Voter Registration Act (NVRA) of 1993.

The Commission serves as a national clearinghouse and resource of information regarding election administration. It is under the Commission's clearinghouse role that research projects are conducted with the goal of providing information that will lead to improvements in election administration, as well as inform the public about how, where and when we vote.

The voter identification research was conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics ("Contractor"). The contract, awarded in May 2005, required the 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. Last month, the commission voted

unanimously not to adopt the report, citing concerns with its methodology, but voted to release all of the data provided by the Contractor.

The vote fraud and voter intimidation research was conducted by Tova Wang and Job Serebrov ("Consultants"). The contracts, awarded in September 2005, issued to these Consultants tasked them with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the Consultants were responsible for "creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future EAC research resulting from this effort."

Review Request

The actions taken by the Commission regarding both the voter identification and the vote fraud and voter intimidation research projects have been challenged. Specifically, Members of Congress, the media, and the public have suggested that political motivations may have been part of the Commission's decision making process regarding these two projects. Also, the Commission has been criticized for the amount of taxpayer dollars that were spent on these two projects, as well as how efficiently these projects were managed.

The Commission takes these allegations very seriously, and we request that you fully review the following issues and provide the Commission and the Congress with a report of your findings as soon as possible. The Commission stands ready to assist you in these efforts and will provide whatever information, including memos, emails and other documents you will need. Cooperating with your review will be the staff's top priority.

1. Current Commission policy regarding awarding and managing research contracts.
2. Issuance and management of the vote fraud and voter intimidation contract.
3. Circumstances surrounding the receipt of information from Consultants regarding the vote fraud and voter intimidation project.
4. Circumstances surrounding staff efforts to write a final report for Commission consideration.
5. Identification of staff members who assisted in the editing and collaboration of the final vote fraud and voter intimidation report for Commission consideration.
6. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the vote fraud and voter intimidation project.
7. Circumstances surrounding Commission discussion and deliberation of final adoption of *Election Crimes: An Initial Review and Recommendation for Further Study*.
8. Issuance and management of the voter identification contract.
9. Circumstances surrounding the receipt of information from Contractor regarding the voter identification report.
10. Identification of staff members who assisted in the editing, collaboration, and recommendation to the Commission regarding final adoption of the voter identification report.

11. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the voter identification project.
12. Circumstances surrounding Commission deliberation whether to adopt a final voter identification report.

For your information, I have attached statements and related correspondence from Members of Congress, and a statement issued by the Commission regarding the criticism.

It is our hope that your findings will instruct us how to move forward in a more efficient, effective and transparent manner. The Commission takes its mandates under HAVA very seriously, and this small Commission has an enormous amount of work to conduct, including testing and certifying voting equipment, providing guidance and assistance to election officials, and auditing the proper use of the \$3.1 billion that was distributed under HAVA.

We look forward to your findings so that we may take the actions necessary to improve the way we conceive research projects, manage research contracts, and make decisions regarding the final release of data provided to the Commission from a third party.

United States Senate
WASHINGTON, DC 20510

April 12, 2007

The Honorable Donetta Davidson
Chairman
U.S. Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, DC 20005

Dear Commissioner Davidson:

We are writing to seek a response to very troubling news reports that included allegations that the Commission may have altered or delayed release of two taxpayer-funded studies of election issues for political purposes.

While the Commission is within its rights to decide what guidance it issues to election officials, it is critical that its actions are not perceived as politically motivated and it is imperative that you provide full documentation about the Commission's proceedings on these matters.

On Wednesday, the *New York Times* reported that a bipartisan team of election law experts hired by the Commission to research voter fraud in federal elections found that there was little such fraud around the nation, but the Commission revised the report to say that the pervasiveness of voter fraud was still open to debate.

On Monday, *Roll Call* reported that the Commission two weeks ago rejected the findings of a report, prepared as part of a \$560,000 contract with Rutgers University's Eagleton Institute and Ohio State University's Moritz College of Law. That report found that voter identification laws may reduce election turnout, especially by minorities.

026962

Commissioner Davidson

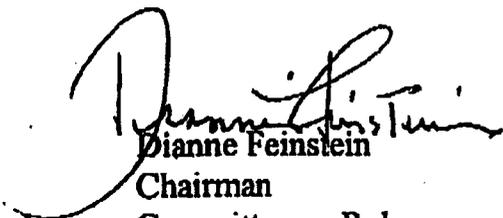
- 2 -

April 12, 2007

It is imperative that the Commission's actions and deliberations are unbiased, free from political influence and transparent. While the Commission does not have to agree with the experts who perform its research, it should make the research available unfettered and unfiltered.

Attached are a series of questions, we would like the Commission to address. We look forward to your timely response.

Sincerely,



Dianne Feinstein
Chairman
Committee on Rules
and Administration



Richard J. Durbin
Chairman
Subcommittee on Financial
Services and General
Government
Committee on Appropriations

We request information and documentation from the Commission that answer the following questions:

COMMISSION'S OVERSIGHT ON EAGLETON CONTRACT TO PERFORM A STUDY ON VOTER IDENTIFICATION

1. Did the Commissioners or Commission senior staff receive any outside communication or pressure to change or not release the entire draft report or portions of the draft language on the voter fraud report? If so, who made those requests?
2. Would you please provide a copy of the approved Request For Proposals, as well as any contract modifications that were agreed to between the Commission and Eagleton Institute and subcontractors?
3. Can you provide the names and qualifications of Election Assistance Commission staff that worked on the Eagleton Institute project?
4. Please indicate how many project meetings occurred during the term of the Eagleton contract, including in-person meetings, conference calls regarding the status of the report, and any meeting where Commissioners were present for at least part of the meeting. Please provide copies of any minutes from those meetings.
5. Please identify the names and affiliations of members of the Peer Review group or groups that examined the Eagleton Institute drafts. Please also indicate the dates upon which any such review of the Eagleton research was conducted, and the specific concerns or complaints that were raised by members of the Peer Review group as to either the analysis or statistical methodology, if any. Please provide copies of any minutes from those meetings.
6. If certain members of the Peer Review groups had concerns with the data or methodology of the Eagleton study, was that information communicated to Eagleton, and were any changes made to the study based on Peer Review group concerns with methodology or data?
7. Who were the individuals (and what were their academic qualifications) that advised the Commission that the data, methodology, or the results of the Eagleton Contract were so flawed that the Commission should reject the report? At what point did the Commission receive input from those individuals?

8. The Commission previewed its research on the Eagleton Institute's study on Provisional Voting at its May 2006 Advisory Board meetings—why was the Voter Identification Draft Study not discussed at that time? What is the status of the Provisional Voting report?
9. In rejecting the Eagleton report, the Commission indicated concerns that there was only one year's worth of data. Given that this was the first year that Commission had studied the results, isn't "one year" what was originally contemplated in the Eagleton contract? Isn't the reason for having a major research institute conduct this study is so they can draw initial assessments from that data—even though that data can be augmented in future years? Because of the rejected report, will the Commission start anew for research in the 2008 elections?
10. What was the final, total cost of the Eagleton contract, and what was produced or released by that Commission as a result of that contract?

COMMISSION'S OVERSIGHT OVER VOTER FRAUD/INTIMIDATION STUDY

1. Did the Commissioners or Commission senior staff receive any outside communication or pressure to change or not release the entire draft report or portions of the draft language on the voter fraud report? If so, who made those requests?
2. Given the bipartisan nature of the Working Group that guided the Voter Fraud/Intimidation report, and the bipartisan nature of the contracted experts who uniformly support the results of this report, what concerns lead the Commission to determine the report should not be released?
3. If there were points in the report that the Commission objected to, were there attempts to work with the contractors to deal with specific concerns? If there were such attempts, please describe them.

4. Who drafted the Commission summary (released in December, 2006) of the Voter Fraud/Intimidation report, and what were their credentials and involvement in the original research process? Were there instructions or guidance given from Commissioners or senior staff as to what portions of the research should be emphasized? Who at the Commission reviewed the summarized report? Since the contracted experts are referred to in the Commission's released report, were the contractors allowed a chance to review or edit that Commission's final report that was released in December, 2006?
5. Please provide copies of any electronic or written communications between Commission employees that relate to the editing of the Voter Fraud/Intimidation report.
6. Please explain what Mr. Job Serebrov was referring to in his email referenced in the *New York Times* article of April 11, 2007. Please provide any documents in the Commission's possession where employees or contracted experts discussed pressure, political sensitivities, or the failure of the Commission to adopt the Voter Fraud/Intimidation report from March 1, 2006 to present.
7. While we realize that the Commission voted to release its summary report in December 2006, was there a public vote taken to reject the Draft Voter Fraud/Intimidation report? Such a monumental decision to reject the contract experts' work is a policy decision, and one that should be done in public. When was the decision made to reject the original report, and what notice was provided to the public that the Commission would reject that report?
8. Prior to the Draft Voter Fraud/Intimidation report's release, had other organizations requested a copy of that original report? Please include copies of your responses to those organizations, if any.
9. Had any States requested that the Commission or staff provide guidance related to voter identification requirements in the Help America Vote Act, or identification requirements generally? Please provide those requests, and any responses from the Commission.
10. Please indicate what steps the Commission is taking to ensure that political considerations do not impact the agency's research and that decisions are handled in a public and transparent manner.

COMMITTEE ON THE JUDICIARY
 • CHAIR — SUBCOMMITTEE ON IMMIGRATION,
 CITIZENSHIP, REFUGEES, BORDER SECURITY, AND
 INTERNATIONAL LAW
 • SUBCOMMITTEE ON COURTS, THE INTERNET, AND
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 • SUBCOMMITTEE ON COMMERCIAL AND
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COMMITTEE ON HOUSE ADMINISTRATION
 • CHAIR — SUBCOMMITTEE ON ELECTIONS

CHAIR, CALIFORNIA DEMOCRATIC CONGRESSIONAL
 DELEGATION

Congress of the United States
House of Representatives
 Washington, DC 20515-0516

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CO-CHAIR, CONGRESSIONAL HAZARDOUS CAUCUS

CO-CHAIR, BIPARTISAN CONGRESSIONAL
 REFUGEE CAUCUS

CO-CHAIR, CONGRESSIONAL VIETNAM CAUCUS

April 12, 2007

Chairwoman Donetta Davidson
 United States Election Assistance Commission
 1225 New York Avenue N.W., Suite 1100
 Washington, DC 20005

Dear Chairwoman Davidson:

As Chairwoman of the Committee on House Administration Subcommittee on Elections, which has oversight over the Election Assistance Commission, I was alarmed at what appears to be an emerging pattern by the EAC to hold off on publicly releasing reports as well as modifying reports that are released. Two recent instances have brought to light the increased politicalization of the EAC and this lack of transparency.

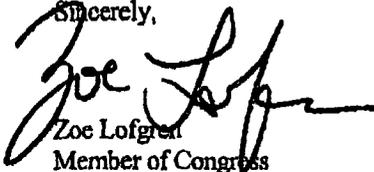
First, the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released. The EAC released report "Election Crimes: An Initial Review and Recommendations for Future Study" does not accurately reflect the research in the original report "Voting Fraud and Voter Intimidation."

Second, in addition to this report on voter fraud and intimidation, the EAC recently released a report by The Eagleton Institute of Politics at Rutgers University on voter identification. Again, the EAC did not endorse the report, citing methodological concerns, and only released it after pressure from Congress.

The EAC is charged with conducting nonpartisan research and to advise policy makers. How are we to rely on advice if instead of full and accurate reporting, we are provided an inaccurate modified version which negates clear evidence to the contrary in the original research? I am outraged that the election process is being threatened by a lack of transparency and limited discussion.

In order to preempt any further problems with the release of reports from the EAC, I request all versions of the Absentee Ballot report and the Military and Overseas report, as well as any other overdue reports, including supporting documents and research, be provided to my office by close of business Monday, April 16, 2007. These reports are overdue and I want to ensure that the delay is no way related to what appears to be an ongoing problem of politicalization of the EAC.

Sincerely,


 Zoe Lofgren
 Member of Congress

For Immediate Release

April 11, 2007

Hinchey, Serrano Urge Non-Partisanship, Greater Transparency at Election Assistance Commission

Washington, DC - Today, Congressmen Maurice Hinchey (NY-22) and José E. Serrano (NY-16) urged the Election Assistance Commission (EAC) to act with greater transparency and without partisanship. The comments from the congressmen came as the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released.

"The EAC has an obligation to be forthright with the American people and operate transparently and in a non-partisan manner," said Congressman Hinchey, who requested the draft report from EAC Commissioner Donetta L. Davidson during a subcommittee hearing last month. "The draft report was commissioned with taxpayer dollars upon a mandate from Congress so that we could learn more about voter fraud and intimidation. The need for this report is even more clear when we see the way in which the Bush administration is carrying out the electoral process and how this system is sliding towards corruption. In hiding a draft report from the public that is significantly different from the final version, the EAC has created a lot more questions than it is has answered while stunting debate on the issue. In order for our democracy to function properly it is essential that our elections are free of any corruption and that includes ensuring that the EAC does not work to benefit one political party over the other. To achieve that goal we must have all the facts and opinions on the table, not just some of them. The EAC must never limit discussion and debate."

"The EAC is charged with helping to ensure our elections are trustworthy and administered fairly," said Congressman Serrano, who is Chair of the Appropriations Subcommittee that oversees the EAC budget. "I'm concerned if changes were made to the report on voter fraud because of partisan bias rather than impartial analysis. When you read the draft report side-by-side with the final version, it is clear that important conclusions of the experts who wrote the draft report were excluded from the final product. Among the excluded information is an analysis that undermines the notion that voter fraud is rampant."

"I am concerned that the EAC did not publicly release the taxpayer-funded draft report, and I worry that political considerations may have played a role. We cannot have a politicized EAC, or one that yields to outside pressure. Our democracy, and the American people's faith in it, is far more important than any short-term political advantage."

The draft report was written by outside experts under contract with the EAC. The final report was entitled "Election Crimes: An Initial Review and Recommendations for Future Study" and was issued on December 7, 2006.

The EAC is an independent bipartisan commission created by the 2002 Help America Vote Act in order to disburse funds to the states for the purchase of new voting systems, certify voting technologies, develop guidelines and serve as an information resource for election administration.

026968



Congressman José E. Serrano
Representing the Sixteenth District of New York

PRESS RELEASE

MEDIA CONTACT:
Philip Schmidt (202)
225-4361

FOR IMMEDIATE
RELEASE:
Apr 11, 2007

SERRANO, HINCHEY URGE NON-PARTISANSHIP, GREATER TRANSPARENCY AT ELECTION ASSISTANCE COMMISSION

Washington, DC – April 11, 2007 – Today, Congressmen Maurice Hinchey (NY-22) and José E. Serrano (NY-16) urged the Election Assistance Commission (EAC) to act with greater transparency and without partisanship. The comments from the congressmen came as the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released.

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“I am concerned that the EAC did not publicly release the taxpayer-funded draft report, and I worry that political considerations may have played a role. We cannot have a politicized EAC, or one that yields to outside pressure. Our democracy, and the American people’s faith in it, is far more important than any short-term political advantage.”

026969

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Email: jserrano@mail.house.gov	

026970



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

EAC Statement Regarding Research and Contracting Policies

Commission to Review Internal Procedures

For Immediate Release
April 11, 2007

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

WASHINGTON – The Help America Vote Act of 2002 (HAVA) directs the Election Assistance Commission (EAC) to serve as a national clearinghouse and resource by, among other things, conducting studies with the goal of improving the administration of federal elections. To fulfill this mandate, the EAC has entered into contracts with a variety of persons and entities. Reports adopted by the EAC, a bipartisan federal entity, are likely to be cited as authoritative in public discourse. Prior to the EAC's adopting a report submitted by a contractor, the EAC has the responsibility to ensure its accuracy and to verify that conclusions are supported by the underlying research.

The Commission takes input and constructive criticism from Congress and the public very seriously. We will take a hard look at the way we do business. Specifically, we will examine both the manner in which we have awarded contracts and our decision-making process regarding the release of research and reports. The EAC takes its mandates very seriously, and we will continue to move forward in a bipartisan way to improve the way America votes.

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 Rodriguez, Caroline Hunter and Gracia Hillman.

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026971

Jeannie Layson/EAC/GOV
04/17/2007 04:56 PM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc EAC Staff

bcc

Subject Today's press inquiries (04-17-07)

1. I spoke with St. Louis editorial board members Christine Bertelson and Kevin Korrigan regarding an editorial that ran today, asserting that we'd worked on the vote fraud/voter intimidation study for five years, and that the administration/White House edited the report. I told them both of these assertions were false, and I requested a correction. I gave them the details about how this project was conceived and managed. I explained that the vote fraud and voter intimidation project began in Sept. 2004. As I said, the statement that this project had been five years in the making is incorrect -- that predates the creation of the EAC. Commissioners were appointed in Dec. 2003, and the agency's first year of operations was 2004 with a \$1.2 million operating budget. I said the assertion that the administration edited the document was false, and said that at no point in the process did the administration play any role. I also pointed out that the chair requested the IG to fully review the matter. They are going to run a correction. The editorial follows.

Snipe hunting in Jeff City

Tuesday, Apr. 17 2007

The Missouri Legislature's dogged efforts to crack down on voter fraud call to mind the hallowed tradition of the snipe hunt.

In a snipe hunt, gullible kids are taken out to the woods, handed sticks and gunny sacks and told to track down the elusive snipe. Meanwhile, their pals, who know a snipe is a bird of marsh and shore generally found nowhere near the woods, yuck it up.

Voter fraud is about as rare as snipe in most parts of the country, including Missouri. As evidence of that we have the testimony of (a) a five-year study by the federal Election Assistance Commission; (b) a report from the Missouri Secretary of State showing nobody in the state tried to vote with a fake I.D. in 2006; (c) Department of Justice statistics showing only 86 people were convicted of voter fraud-related crimes in the last five years, many of them on trivial errors; and (d) a federal judge's ruling last week that the justice department had failed to demonstrate that voter fraud had occurred in Missouri last year.

Undaunted by these facts, Republicans in the Legislature lurk about like Elmer Fudd with their gunny sacks and sticks, promoting bills to require voters to present photo identification before they're allowed to cast a ballot. They passed such a bill last year, but the courts threw it out as unfair to those who couldn't afford the cost and hassle involved in getting a photo I.D. card.

029972

This year's versions of the photo I.D. bills would allow voters without photo I.D. to cast "provisional ballots," which may or may not get counted. So, despite the fact that a photo I.D. requirement would disenfranchise many voters in the cause of solving a problem that doesn't exist, the Missouri House could pass such a bill this week.

Evidence continues to mount that the hunt master for the national voter I.D. snipe hunt is none other than Karl Rove, President George W. Bush's deputy chief of staff and political guru. As The New York Times suggested Sunday, "The more we learn about the White House purge of United States attorneys, the more a single thread runs through it: the Bush administration's campaign to transform the minor problem of voter fraud into a supposed national scourge."

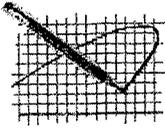
Not only did the administration suggest that some of the eight fired prosecutors had been insufficiently aggressive in pursuing voter fraud cases, it changed the wording of the Election Assistance Commission's findings on the voter fraud issue. What originally read, "there is widespread but not unanimous agreement that there is little polling place fraud" became "there is a great deal of debate on the pervasiveness of fraud."

Moreover, the release of the commission's report was delayed for nine months, during which period eight states, including Missouri, dealt with voter I.D. laws. Since the 3 percent to 4 percent of the electorate who don't have photo I.D.s tend to be poor, disabled or elderly voters, suppressing their vote would tend to help Republican candidates.

Investigators looking for evidence of fraud need look no further than the e-mail messages emanating from Mr. Rove's offices. Alas, thousands, perhaps millions, of those messages are now "missing." Perhaps Attorney General Alberto Gonzales will shed some light on the problem when his testimony before the Senate Judiciary Committee is rescheduled. In the meantime, Missouri lawmakers should put down the sticks and gunny sacks and back slowly out of the woods before their constituents realize they've been snookered, too.

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

026973



Curtis Crider/EAC/GOV

04/20/2007 11:46 AM

To Donetta L. Davidson/EAC/GOV@EAC, jhodgkins@eac.gov,
Margaret Sims/EAC/GOV@EAC, Diana
Scott/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,

cc

bcc

Subject evaluation of contracting

To complete our evaluation of the contracting process and related issues for the voter fraud research and voter intimidation and voter identification research projects, we will need copies of all e-mails and a number of documents related to the projects including copies of all of the various drafts (versions) of the reports. I am requesting that all EAC personnel be notified that they are to preserve all of the documents including e-mails related to the projects. We are in the process of setting up an e-mail account to receive the documents, It is imperative that all documents related to the projects be preserved. As soon as the account is set up we will notify you of the address.

In addition, we are requesting access to the backup e-mail files maintained by GSA and EAC. As a result, we are requesting that no backup tapes or files be destroyed.

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

blackberry 202 725 0969

Important: This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

026974

Curtis Crider/EAC/GOV
04/23/2007 02:27 PM

To EAC Personnel
cc
bcc
Subject documentation for evaluation

All:

The Office of Inspector General has initiated an evaluation of the contracting process used by the EAC for the voter fraud and voter intimidation projects. In order for us to complete our evaluation, we need copies of all e-mails or other documents that you have regarding either project. Electronic documents can be sent to an e-mail account that we have set up- eacon@eac.gov. If you have any hard copy documents, please let me know.

If you do not have any documents or e-mails, please send me an e-mail to that effect.

Thank you,

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

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026975



Curtis Crider/EAC/GOV

04/23/2007 02:33 PM

To EAC Personnel

cc

bcc

Subject documentation for evaluation

A question has been raised on the e-mails.

Q. Are these emails among staff, to recipients outside the office, or both?

A. We would like ALL e-mails including those among staff and recipients outside of the office.

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

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All:

The Office of Inspector General has initiated an evaluation of the contracting process used by the EAC for the voter fraud and voter intimidation projects. In order for us to complete our evaluation, we need copies of all e-mails or other documents that you have regarding either project. Electronic documents can be sent to an e-mail account that we have set up- eaconn@eac.gov. If you have any hard copy documents, please let me know.

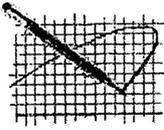
If you do not have any documents or e-mails, please send me an e-mail to that effect.

Thank you,

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

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026976



Curtis Crider/EAC/GOV
04/23/2007 03:24 PM

To EAC Personnel
cc
bcc
Subject documentation for evaluation

History:

 This message has been forwarded.

All:

The Office of Inspector General has initiated an evaluation of the contracting process used by the EAC for the voter identification project. In order for us to complete our evaluation, we need copies of all e-mails or other documents that you have regarding the project. Electronic documents can be sent to an e-mail account that we have set up- eacon@eac.gov. If you have any hard copy documents, please let me know.

If you do not have any documents or e-mails, please send me an e-mail to that effect.

Thank you,

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

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026977



Eileen L. Kuala/EAC/GOV
04/23/2007 04:06 PM

To Donetta L. Davidson/EAC/GOV@EAC
cc
bcc

Subject Re: Fw: documentation for evaluation

History This message has been replied to.

yep, I have already sent most of my emails to Curtis and he said they have been helpful.

Shall I look through yours as well?

Elle L.K. Collver
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392
blackberry: (202) 294-9251

Donetta L. Davidson/EAC/GOV

Donetta L.
Davidson/EAC/GOV
04/23/2007 03:59 PM

To "Elle Collver" <ecollver@eac.gov>
cc

Subject Fw: documentation for evaluation

We need to start looking. I am sure you already have. Thanks

Sent from my BlackBerry Wireless Handheld
Curtis Crider
----- Original Message -----

From: Curtis Crider
Sent: 04/23/2007 03:24 PM EDT
To: EAC Personnel
Subject: documentation for evaluation

All:

The Office of Inspector General has initiated an evaluation of the contracting process used by the EAC for the voter identification project. In order for us to complete our evaluation, we need copies of all e-mails or other documents that you have regarding the project. Electronic documents can be sent to an e-mail account that we have set up- eacon@eac.gov. If you have any hard copy documents, please let me know.

If you do not have any documents or e-mails, please send me an e-mail to that effect.

Thank you,

Curtis Crider

026978

Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

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Curtis Crider/EAC/GOV

04/25/2007 01:26 PM

To EAC Personnel

cc

bcc

Subject Investigation

Mr. Eric Miller from the U.S. Department of the Interior, Office of Inspector General will be conducting the investigation of the EAC's handling of the voter fraud report and voter identification report. He will begin conducting interviews within the next couple of days. He will be assisted by Mr. Joe Ansnick.

If you have any questions concerning this matter, please feel free to contact me.

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

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026980



Curtis Crider/EAC/GOV

04/25/2007 01:29 PM

To EAC Personnel

cc

bcc

Subject Investigation

The investigator's name is Eric Myers - sorry for the confusion.

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

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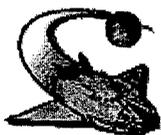
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If you have any questions concerning this matter, please feel free to contact me.

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

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026981



Elieen L. Collver/EAC/GOV
04/27/2007 04:04 PM

To Curtis Crider/EAC/GOV@EAC
cc ddaavidson@eac.gov
bcc

Subject memo

History:

 This message has been replied to.

Hello Curtis:

I was reviewing the memo that you brought to the Chair today regarding the research on Voting Fraud and Voter Intimidation. I have sent electronic and hard copies to the commissioners and senior staff. However, I was wondering if there is going to be a separate memo addressing the Voter ID issues. Per your request the staff is in the process of sending emails to your designated inbox and all of those issues. Please advise.

Many thanks,
Elle

Elle L.K. Collver
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392
blackberry: (202) 294-9251

026982

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
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Phone: 202-566-3100
www.eac.gov

026983



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

*Deliberative Process
Privilege*

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?

026984

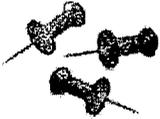
Answer: We are not aware of any prohibition. As previously stated, our preference is that there are no public comments while the investigation is in process or that comments be limited. However, we appreciate the sensitivity of Congressional requests, EAC must decide how best to proceed in this matter. 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.



DeAnna M. Smith/EAC/GOV

05/01/2007 09:46 AM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hillman/EAC/GOV@EAC, cc Eileen L. Colver/EAC/GOV@EAC, fms.eacfabre@yahoo.com, Sheila A. Banks/EAC/GOV@EAC, Stephanie

bcc

Subject Tally Vote Matter

Good Morning,

The tally vote dated 4/30/07, Authority to Proceed with Side by Side Analysis of Draft Voter Fraud and Intimidation Report with EAC Election Crimes Report and Agreement to Release Draft with the Completed Side by Side Analysis, is withdrawn.

Thank You

DeAnna M. Smith
Paralegal Specialist
Office of the General Counsel
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, D.C. 20005
202-566-3117 (phone)
202-566-1392 (fax)
www.eac.gov

026936

Bryan Whitener/EAC/GOV
05/10/2007 05:45 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (5-10-07, Thurs)

Commissioners:

Today we had the following media inquiries:

(1) Leslie Robinson, a reporter for the news blog, ColoradoConfidential.com inquired about the rules and regulations that EAC board members must adhere to. She said that one of the EAC members from Colorado, Dan Kopelman, has recently been cited by the Secretary of State for his business of selling voter lists and consulting partisan candidates. She asked if these infractions cause Kopelman to withdraw from the EAC board. We explained that, according to SEC. 213 of the Help America Vote Act of 2002 (HAVA), there are two EAC Standards Board representatives from each state, that one is a local official, one is a state official and that both individuals represent their state on the Board. We said that the state representatives are selected by the Chief State election official from each state. We said that, with respect to Colorado, Mr. Kopelman was selected to serve on the Board by Colorado Secretary of State Michael Coffman. We suggested Ms. Robinson contact their office for questions regarding the appointment of state representatives from Colorado.

(2) Rose Marie Berger, Associate Editor of Sojourners/Call to Renewal, asked for the document on voter fraud authored by Tova Wang and Job Serebrov. We replied that our Inspector General is currently reviewing the circumstances surrounding this research and noted page two of the following memo from the chair. We said that 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

###

026987

Bryan Whitener/EAC/GOV
05/11/2007 06:18 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (5-11-07, Frid)

Commissioners:

Today we had the following media inquiries:

(1) Meg Cox, a freelance journalist in Chicago is working on an article about voter fraud and voter ID laws. She asked the following two questions:

- 1) Is the EAC still sending its "Elections Crimes" report to journalists who request the report on voter fraud and intimidation authored by Wang and Serebrov?
- 2) If the answer to #1 is yes, is the EAC still sending the "Election Crimes" report in these cases without comment--in other words, without indicating that it is not the Wang/Serebrov report?

We forwarded her questions to Curtis and replied to Ms. Cox that the chair has asked our Inspector General to review the circumstances surrounding this research project, as well as research done about voter ID. We said he has requested that EAC not comment on either one of these projects while his review is ongoing. We referred her to the following link: [here](#). and said we'd be glad to make sure she receives the IG's review when it is completed.

(2) Jenna Portnoy of the Doylestown Intelligencia in Bucks Co., PA called again to ask about EAC's progress in determining the status of Pennsylvania's 102 funds. She wants to know the amount of money, if any, that they will have to return. We said that EAC is still reviewing the certifications submitted by the states and we hope to have this process completed as soon as possible. We said we are also evaluating all the reports submitted by the states regarding their 101 and 251 funds expenditures.

026988

Bryan Whitener/EAC/GOV
05/14/2007 06:18 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (5-14-07, Mon)

Commissioners:

Today Meg Cox, a freelance journalist in Chicago, sent us the same two questions she sent us last Friday (see below). She had not been satisfied with our response. She is working on an article about voter fraud and voter ID laws. She said she is concerned that journalists are receiving a substitute report from EAC and not the real thing. We replied that we directed her to the one and only report adopted by EAC -- Election Crimes: An Initial Review and Recommendations for Future Study -- We noted that it contains clear language about the role of the consultants, identifies them by name and that their bios are included in the EAC report as Appendix D here. We said we would notify her when the IG has completed his review of this subject. We also noted the following contents of the report:

- Page one: "EAC staff along with two, bipartisan consultants reviewed the existing information available about voting fraud and voter intimidation, including reading articles, books and reports; interviewing subject matter experts; reviewing media reports of fraud and intimidation; and studying reported cases of prosecutions of these types of crimes.
- Page three: To accomplish these tasks, EAC employed two consultants, Job Serebrov and Tova Wang, who worked with EAC staff and interns to conduct the research that forms the basis of this report.
- Page four: The consultants drafted a report for EAC that included their summaries of relevant cases, studies and reports on voting fraud and voter intimidation as well as summaries of the interviews that they conducted. The draft report also provided a definition of voting fraud and intimidation and made certain recommendations developed by the consultants or by the working group on how to pursue further study of this subject. This document was vetted and edited by EAC staff to produce this final report.

###

BACKGROUND: Last Friday's Q&A.

Meg Cox, a freelance journalist in Chicago is working on an article about voter fraud and voter ID laws. She asked the following two questions:

- 1) Is the EAC still sending its "Elections Crimes" report to journalists who request the report on voter fraud and intimidation authored by Wang and Serebrov?
- 2) If the answer to #1 is yes, is the EAC still sending the "Election Crimes" report in these cases without comment--in other words, without indicating that it is not the Wang/Serebrov report?

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026989

Jeannie Layson/EAC/GOV
05/10/2007 06:57 AM

To Rosemary E. Rodriguez/EAC/GOV@EAC
cc
bcc
Subject Fw: Letter Regarding Brennan Center's FOIA Request

History: This message has been replied to

Guess Wendy changed her mind about giving me until the end of the week...

Sent from my BlackBerry Wireless Handheld

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

From: "Rowan Wilson" [mailto:rowan@brennancenter.org]
Sent: 05/09/2007 10:14 PM AST
To: Jeannie Layson
Cc: "Yani Indrajana Ho" [mailto:yani@brennancenter.org]; perez@brennancenter.org; wendy@brennancenter.org
Subject: Letter Regarding Brennan Center's FOIA Request

Dear Ms. Layson:

My firm is representing the Brennan Center in connection with the FOIA requests it has made to the EAC. Attached, for your convenience, is a letter we have sent to you today by regular mail.

Sincerely,

Rowan Wilson

This e-mail is confidential and may be privileged. Use or disclosure of it by anyone other than a designated addressee is unauthorized. If you are not an intended recipient, please delete this e-mail from the computer on which you received it.



Brennan Center Letter to EAC 05-09-2007.pdf

026990

Jeannie Layson/EAC/GOV
05/10/2007 07:21 PM

To Rosemary E. Rodriguez/EAC/GOV@EAC, "Jeannie Layson"
<jlayson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC
cc "Staci Fabre" <[REDACTED]>

bcc

Subject Re: Have we considered putting FOIA responses on the
web? 

History:  This message has been replied to.

Yes, we have talked about setting up a FOIA reading room like some other agencies. Those cull the most frequently asked for info, but don't post everything. It's just a function of getting caught up to do that. However, I'm open to posting everything.

Sent from my BlackBerry Wireless Handheld
Rosemary E. Rodriguez
----- Original Message,-----

From: Rosemary E. Rodriguez
Sent: 05/10/2007 07:17 PM EDT
To: Jeannie Layson; Thomas Wilkey
Cc: "Staci Fabre" <[REDACTED]>
Subject: Have we considered putting FOIA responses on the web?

That would cut down on the number we are doing and make us more transparent,

026991

Jeannie Layson/EAC/GOV
05/10/2007 07:35 PM

To Rosemary E. Rodriguez/EAC/GOV@EAC
cc
bcc
Subject Re: Have we considered putting FOIA responses on the web? 

And I really appreciate you saying that. Usually I do pretty well under pressure. I think I'm just having a couple of bad days! I'm already in a better mood.

Sent from my BlackBerry Wireless Handheld
Rosemary E. Rodriguez
----- Original Message -----

From: Rosemary E. Rodriguez
Sent: 05/10/2007 07:28 PM EDT
To: Jeannie Layson; Thomas Wilkey; Donetta Davidson
Cc: "Staci Fabre" 
Subject: Re: Have we considered putting FOIA responses on the web?

If we announced it, maybe we could stem the flow. We should discuss. And I do appreciate how stressful things are for you right now. My Mayor used to say that press was the hardest job in the ofc. He was under siege his first term (he served 3) and it feels for me a little like deja vu all over again because he was very misunderstood

Best.
Jeannie Layson
----- Original Message -----

From: Jeannie Layson
Sent: 05/10/2007 07:21 PM EDT
To: Rosemary Rodriguez; Jeannie Layson; Thomas Wilkey
Cc: "Staci Fabre" 
Subject: Re: Have we considered putting FOIA responses on the web?

Yes, we have talked about setting up a FOIA reading room like some other agencies. Those cull the most frequently asked for info, but don't post everything. It's just a function of getting caught up to do that. However, I'm open to posting everything.

Sent from my BlackBerry Wireless Handheld
Rosemary E. Rodriguez
----- Original Message -----

From: Rosemary E. Rodriguez
Sent: 05/10/2007 07:17 PM EDT
To: Jeannie Layson; Thomas Wilkey
Cc: "Staci Fabre" 
Subject: Have we considered putting FOIA responses on the web?

That would cut down on the number we are doing and make us more transparent,

026992

Thomas R. Wilkey/EAC/GOV
05/11/2007 11:16 AM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc
bcc
Subject Fw: Letter

History:  This message has been replied to.

Commissioners;

Based on our conversation yesterday concerning the letter from the letter from the Attorney representing the Brennan Center Gavin has drafted the attached letter as our response.

Since this letter will also be copied to several members of Congress I thought it best to have you look it over before it goes out.

Please let me know if you have any concerns, I'd like to get it out COB today.

And if I don't see you today...Have a great Mother's Day

Tom

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

----- Forwarded by Thomas R. Wilkey/EAC/GOV on 05/11/2007 11:09 AM -----

Gavin S. Gilmour/EAC/GOV

05/11/2007 09:01 AM

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

Subject Letter

Tom,

For your review and policy determination.

GG



Brennan Center May 9th -2.doc

Gavin S. Gilmour

026993

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

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

026994

Caroline C. Hunter/EAC/GOV
05/11/2007 12:21 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Gracia
cc
bcc
Subject Re: Letter 

Looks good to me, thanks Tom and Gavin.
Thomas R. Wilkey
----- Original Message -----

From: Thomas R. Wilkey
Sent: 05/11/2007 11:16 AM EDT
To: Donetta Davidson; Rosemary Rodriguez; Caroline Hunter; Gracia Hillman
Subject: Fw: Letter

Commissioners;
Based on our conversation yesterday concerning the letter from the letter from the Attorney representing the Brennan Center Gavin has drafted the attached letter as our response.
Since this letter will also be copied to several members of Congress I thought it best to have you look it over before it goes out.
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And if I don't see you today...Have a great Mother's Day
Tom

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(202) 566-3109 phone
TWilkey@eac.gov

----- Forwarded by Thomas R. Wilkey/EAC/GOV on 05/11/2007 11:09 AM -----

Gavin S. Gilmour/EAC/GOV
05/11/2007 09:01 AM

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV, Jeannie Layson/EAC/GOV@EAC
cc
Subject Letter

Tom,

For your review and policy determination.

026995

GG

[attachment "Brennan Center May 9th -2.doc" deleted by Caroline C. Hunter/EAC/GOV]

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

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026996

Thomas R. Wilkey/EAC/GOV
05/11/2007 02:08 PM

To Rosemary E. Rodriguez/EAC/GOV@EAC
cc
bcc
Subject Re: Just sent u a fax 

History:  This message has been replied to

Got it...thanks

Gavin advises me that we are required to have a FOIA reading room and so we will do that but may not want to admit that we haven't up to now.

Thanks

Tom

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
Rosemary E. Rodriguez/EAC/GOV

Rosemary E.
Rodriguez/EAC/GOV
05/11/2007 01:26 PM

To "Tom Willkey" <TWilkey@eac.gov>
cc
Subject Just sent u a fax

026997

Thomas R. Wilkey/EAC/GOV
05/11/2007 02:32 PM

To Rosemary E. Rodriguez/EAC/GOV@EAC
cc
bcc
Subject Re: Just sent u a fax 

History:  This message has been replied to.

It's already been set up on the redesigned website which Jeannie hopes to unveil next week when we get out from under this paper.

The FOIA regulations have been on the Counsel's "to do" list but with everything else going on has not been completed.

We have two law clerks coming on for the summer in a couple weeks and this will be an excellent project for them to do.

Thanks
Tom

You are supposed to be relaxing

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
Rosemary E. Rodriguez/EAC/GOV

Rosemary E.
Rodriguez/EAC/GOV
05/11/2007 02:11 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV
cc
Subject Re: Just sent u a fax 

We'd better get it up before we get dinged for not having it up!

Thomas R. Wilkey
----- Original Message -----

From: Thomas R. Wilkey
Sent: 05/11/2007 02:08 PM EDT
To: Rosemary Rodriguez
Subject: Re: Just sent u a fax

Got it...thanks
Gavin advises me that we are required to have a FOIA reading room and so we will do that but may not

028998

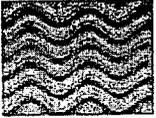
want to admit that we haven't up to now.
Thanks
Tom

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
Rosemary E. Rodriguez/EAC/GOV

Rosemary E.
Rodriguez/EAC/GOV
05/11/2007 01:26 PM

To "Tom Wilkey" <TWilkey@eac.gov>
cc
Subject Just sent u a fax

026999



Bert A. Benavides/EAC/GOV
05/14/2007 04:13 PM

To Donetta L. Davidson/EAC/GOV, Rosemary E.
Rodriguez/EAC/GOV@EAC, chunter@eac.gov, Gracia
Hillman/EAC/GOV, Juliet E. Thompson-Hodgkins/EAC/GOV,
cc Eileen L. Collver/EAC/GOV@EAC, sfabre@eac.gov,
Stephanie Wolson/EAC/GOV@EAC, [REDACTED]
bcc

Subject Response to lawyers for Brennan Center

Attached is the letter sent from Tom to the attorneys for the Brennan Center for Justice. Letter was faxed this morning and the hard copy is being mailed this afternoon.

Bert A. Benavides
Special Assistant to the Executive Director
U. S. Elections Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
202-566-3114



Brennan Ctr - Response to 5-09-07 ltr.doc

027000

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

bcc

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

027001

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

To jlayson@eac.gov
cc
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 03:21 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

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Facsimile: 202-566-3127
www.eac.gov
rrodriguez@eac.gov

027002

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

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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

027003



"Rosemary Rodriguez"
<rosemaryrod2003@yahoo.com>

04/14/2007 01:04 PM

To rrodriguez@eac.gov

cc

bcc

Subject Fw: Draft Letter w/edits

History:  This message has been forwarded

----- Forwarded Message -----

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

To: jlayson@eac.gov

Cc: Ddavidson@eac.gov; chunter@eac.gov; rosemaryrod2003@eac.gov; twilkey@eac.gov; jhodgkins@eac.gov

Sent: Friday, April 13, 2007 5:59:10 PM

Subject: Draft Letter w/edits

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

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Ahhh...imagining that irresistible "new car" smell?



Check out [new cars at Yahoo! Autos](#). AdvBdsletterDRAFT.doc

027004

April 13, 2007

EAC Board of Advisors
EAC Standards Board

RE: EAC Election Crimes Study

Dear Members of the EAC Standards Board and EAC Board of Advisors:

The U.S. Election Assistance Commission has recently come under fire for not releasing a draft report from EAC's Voting Fraud and Voter Intimidation project, which was submitted by two contracted employees, Tova Wang and Job Serebrov. That draft report, which is attached to this letter, is a compilation of summaries from the work that they conducted. We thought it was important to explain the circumstances surrounding this project.

In 2005, the EAC Board of Advisors helped EAC prioritize its research efforts. As a result, EAC developed a research agenda that included studying voting fraud and voter intimidation. In the fall of 2005, EAC hired the two contract employees to conduct an initial review of the information available about voting fraud and voter intimidation. The employees were asked to provide two things: (1) a definition of voting fraud and voter intimidation that could be used in a future and comprehensive study of these topics; and (2) a series of recommendations on how such a future, comprehensive study could be conducted.

In May 2006, a status report regarding this study was presented at the public meetings of the EAC Standards Board and EAC Board of Advisors. Each board provided feedback on the progress of the study and the direction that it should take. Following those meetings, the project's working group convened and likewise provided feedback on the study. In July 2006, EAC received a body of research including summaries of the articles, books, interviews, and media reports that were compiled and reviewed by the contract employees. In addition, they provided a draft report of the summaries of the interviews for EAC's review and consideration.

EAC staff reviewed the material, briefed the commissioners, including at our October public meeting and presented for commissioner consideration a report, *Election Crimes: An Initial Review and Recommendations for Future Study*, which was adopted at our December 2006 public meeting.

After the release of EAC's report there was some debate about whether EAC should release the draft provided by our contracted employees. The Board of Advisors considered, but did not pass, a resolution urging the release of that document. Recently, EAC testified before a Congressional committee that requested the draft report. A copy was provided to the committee, which released the draft report this week.

Recently, there has been much discussion surrounding EAC's review process of the material provided by the contract employees, and how much was included in our election crimes report. After receiving the information from the consultants, EAC conducted due diligence. As you will see in the consultants' draft,