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We have always taken input from our advisory boards, Congress, and the public very seriously, and we will continue to provide you with accurate, complete, and supported research, whether that research is conducted by consultants or by EAC staff.

Thank you for your service, your commitment to the election process and your support of EAC.

Also attached is a copy of EAC's statement on this issue, as well as a statement issued by Congressmen Maurice Hinchey and José Serrano. If you have any questions regarding this study or on any other matter, please don't hesitate to contact us.

Sincerely,

Donetta Davidson, Chair

Gracia Hillman, Commissioner

Caroline Hunter, Commissioner

Rosemary Rodriguez, Commissioner

cc: Project Working Group

Rosemary E.
Rodriguez/EAC/GOV
04/14/2007 01:44 PM

To ddavidson@eac.gov, Gracia Hillman/EAC/GOV@EAC,
Chunter@eac.gov, twikley@eac.gov, jhodgkins@eac.gov
cc
bcc
Subject my revisions to boards letter.



AdvBdsletterDRAFT.doc

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

027007

**Deliberative Process
Privilege**

Draft comments submitted by Rodriguez, April 14, 2007; 1:45 pm

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:

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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. A member of the Board of Advisors, Ms. Barbara Arnwine, went so far as to propose a resolution recommending that the EAC release the original "Voter Fraud and Intimidation Report" to the public, or, alternatively, to the Board of Advisors. The Board of Advisors rejected the resolution, persuaded by argument that the EAC should have complete control of the use of its commissioned research. This is an issue that the EAC, in light of recent events, must necessarily resolve with input from its Congressional Committees of Reference, and the Board of Advisors.

On March __, 2007, 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. The release of the draft report by members of Congress has made it widely available. Thus we attach it to this letter. We value your service on the Board of Advisors and believe that you should receive the draft directly from the EAC, and not a secondary source.

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Also attached is a copy of EAC's statement on this issue, as well as a statement issued by Congressmen

Maurice Hinchey and José Serrano. If you have any questions regarding this study or on any other matter, please don't hesitate to contact us.

Sincerely,

Donetta Davidson, Chair

Gracia Hillman, Commissioner

Caroline Hunter, Commissioner

Rosemary Rodriguez, Commissioner

cc: Project Working Group



"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 [REDACTED]; 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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027012

**Deliberative Process
Privilege**

Draft comments submitted by Rodriguez, April 14, 2007; 1:45 pm

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:

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Caroline Hunter, Commissioner

Rosemary Rodriguez, Commissioner

cc: Project Working Group

Rosemary E.
Rodriguez/EAC/GOV
04/14/2007 01:45 PM

To twilkey@eac.gov
cc
bcc
Subject Fw: Draft Letter w/edits

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 04/14/2007 01:44 PM -----



"Rosemary Rodriguez"

[REDACTED]

04/14/2007 01:04 PM

To rrodriguez@eac.gov
cc
Subject Fw: Draft Letter w/edits

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From: "ghillman@eac.gov" <ghillman@eac.gov>
To: jlayson@eac.gov
Cc: Ddavidson@eac.gov; chunter@eac.gov; rosemaryrod20[REDACTED]; twilkey@eac.gov;
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Fax: 202-566-1392

027017

www.eac.gov

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027018

April 13, 2007

EAC Board of Advisors
EAC Standards Board

RE: EAC Election Crimes Study

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Sincerely,

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Caroline Hunter, Commissioner

Rosemary Rodriguez, Commissioner

cc: Project Working Group

**Deliberative Process
Privilege**

April 13, 2007

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EAC Standards Board

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Donetta Davidson, Chair

Gracia Hillman, Commissioner

Caroline Hunter, Commissioner

Rosemary Rodriguez, Commissioner

cc: Project Working Group

Rosemary E.
Rodriguez/EAC/GOV
04/20/2007 02:59 PM

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

bcc

Subject Re: Draft response to Tova Wang's lawyer 

Isn't Peggy away on sick leave? Why do we direct her to Peggy?

Gavin S. Gilmour

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

From: Gavin S. Gilmour
Sent: 04/20/2007 03:04 PM EDT
To: Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;
Thomas Wilkey
Cc: Juliet Hodgkins
Subject: Draft response to Tova Wang's lawyer

Pursuant to Commissioner Davidson's request, attached is the draft response to Tova Wang's lawyer.

[attachment "Wang Ltr 17apr07.doc" deleted by Rosemary E. Rodriguez/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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027023

Rosemary E.
Rodriguez/EAC/GOV
04/20/2007 03:29 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc Caroline C. Hunter/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gavin S.
Gilmour/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,
bcc
Subject Re: Draft response to Tova Wang's lawyer 

I haven't seen her for weeks. But I am in another corner of the office. Perhaps I am ill-informed.

Juliet E. Hodgkins

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

From: Juliet E. Hodgkins
Sent: 04/20/2007 03:30 PM EDT
To: Rosemary Rodriguez
Cc: Caroline Hunter; Donetta Davidson; Gavin Gilmour; Gracia Hillman;
Thomas Wilkey
Subject: Re: Draft response to Tova Wang's lawyer

Commissioner Rodriguez,

Gavin's Blackberry is not working properly so he asked that I forward to you all the following response:

Julie,

My Blackberry keeps freezing up, again. Perhaps you could forward my comments.

Peggy was proposed as the point of contact for Ms. Wang because she was the original project manager and Tova's prior supervisor/COTR. Peggy would obviously staff requests. As for Peggy's status, I was under the impression that she was still an active employee, but obviously defer that issue to Tom.

GG

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

Rosemary E.
Rodriguez/EAC/GOV
04/20/2007 02:59 PM

To Gavin S. Gilmour/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC
Subject Re: Draft response to Tova Wang's lawyer 

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027024

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

From: Gavin S. Gilmour
Sent: 04/20/2007 03:04 PM EDT
To: Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;
Thomas Wilkey
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[attachment "Wang Ltr 17apr07.doc" deleted by Rosemary E. Rodriguez/EAC/GOV]

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Deputy General Counsel
United States Election Assistance Commission
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Washington, DC 20005
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027025

Rosemary E.
Rodriguez/EAC/GOV
04/20/2007 05:46 PM

To "Staci Fabre" <[REDACTED]>
cc
bcc
Subject Fw: Draft response to Tova Wang's lawyer

Gavin S. Gilmour
----- Original Message -----

From: Gavin S. Gilmour
Sent: 04/20/2007 03:04 PM EDT
To: Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;
Thomas Wilkey
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Wang Ltr 17apr07.doc

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027026

**Deliberative Process
Privilege**

April 17, 2007

James P. Joseph
Arnold & Porter L.L.P.
655 Twelfth Street, NW
Washington, DC 20004-1206

Mr. Joseph:

This letter is in response to your April 16, 2007 inquiry in which you request that your client, Ms. Tova Wang, be authorized by the U.S. Election Assistance Commission (EAC) to discuss certain matters pertaining to her prior employment with the agency.

As I am sure you are aware, Ms. Wang was employed by the EAC under its authority to hire experts and consultants pursuant to 42 U.S.C. §3109 (as implemented by 5 C.F.R. §304). As such, her agreement with the EAC created a limited employee/employer relationship. This is clearly stated in her contract. As an employee Ms. Wang has a duty to the Commission. Without direction from the EAC, Ms. Wang has no authority to speak for the EAC, release non-public information or discuss privileged matters with third parties. As you note in your letter, this concept is also clearly stated in her employment contract. The duties and responsibilities that come with Federal service are essential to the proper functioning of our government.

Ultimately, however, Ms. Wang's responsibilities should not have a significant impact on her ability to discuss her personal opinions on voter fraud. Per her employment contract, the project she worked on was focused on collecting existing information, defining terms and proposing future research methodology so that EAC could conduct a future research project on voter fraud and intimidation. As a result, the information gathered by Ms. Wang and other EAC employees is nothing more than a collection of articles, books and opinions that are publicly available. In fact, the EAC has published much of this information as an attachment to the final report which is available on our Web site. Ms. Wang is free to provide her personal opinion on voter fraud to anyone she wishes. Her only limitation is in speaking for the EAC or releasing privileged documents or information.

If Ms. Wang has questions concerning specific requests for information, or is requested to speak

027027

on behalf of the EAC, she may contact her prior supervisor, Ms. Peggy Sims at (202)566-3127 for assistance.

Sincerely,

Gavin S. Gilmour
Deputy General Counsel

Rosemary E.
Rodriguez/EAC/GOV
04/20/2007 05:49 PM

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

bcc

Subject Re: Draft response to Tova Wang's lawyer 

You know where I stand on this issue but, again, I think we should grant her request. We appear to be stonewalling and I do not think that is good for the agency nor is it good policy. I understand that we have rights to enforce the contract but we can also waive those rights and I think we ought to in this instance.

Gavin S. Gilmour

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

From: Gavin S. Gilmour
Sent: 04/20/2007 03:04 PM EDT
To: Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter; Thomas Wilkey
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Subject: Draft response to Tova Wang's lawyer

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[attachment "Wang Ltr 17apr07.doc" deleted by Rosemary E. Rodriguez/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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027029

Rosemary E.
Rodriguez/EAC/GOV
04/20/2007 05:49 PM

To "Staci Fabre" [REDACTED]
cc
bcc
Subject Fw: Draft response to Tova Wang's lawyer

Rosemary E. Rodriguez

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

From: Rosemary E. Rodriguez
Sent: 04/20/2007 05:49 PM EDT
To: Gavin Gilmour; Donetta Davidson; Gracia Hillman; Caroline Hunter;
Thomas Wilkey
Cc: Juliet Hodgkins
Subject: Re: Draft response to Tova Wang's lawyer

You know where I stand on this issue but, again, I think we should grant her request. We appear to be stonewalling and I do not think that is good for the agency nor is it good policy. I understand that we have rights to enforce the contract but we can also waive those rights and I think we ought to in this instance.

Gavin S. Gilmour

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

From: Gavin S. Gilmour
Sent: 04/20/2007 03:04 PM EDT
To: Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;
Thomas Wilkey
Cc: Juliet Hodgkins
Subject: Draft response to Tova Wang's lawyer

Pursuant to Commissioner Davidson's request, attached is the draft response to Tova Wang's lawyer.

[attachment "Wang Ltr 17apr07.doc" deleted by Rosemary E. Rodriguez/EAC/GOV]

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

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027030

Rosemary E.
Rodriguez/EAC/GOV
04/20/2007 05:49 PM

To "Staci Fabre" <fms.eacfabre@yahoo.com>
cc
bcc
Subject Fw: Draft response to Tova Wang's lawyer

Gavin S. Gilmour
----- Original Message -----

From: Gavin S. Gilmour
Sent: 04/20/2007 03:04 PM EDT
To: Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;
Thomas Wilkey
Cc: Juliet Hodgkins
Subject: Draft response to Tova Wang's lawyer

Pursuant to Commissioner Davidson's request, attached is the draft response to Tova Wang's lawyer.



Wang Ltr 17apr07.doc

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
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Washington, DC 20005
(202) 566-3100

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027031

Rosemary E.
Rodriguez/EAC/GOV
04/20/2007 06:51 PM

To Donetta L. Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Thomas R.
cc
bcc
Subject Re: Draft response to Tova Wang's lawyer 

Tom, is Peggy on sick leave?

Not sure if I sent this--I believe we should grant Tova's request. We are stonewalling and I do not think that is good for the agency nor is it good policy. I understand that we have rights to enforce the contract but we can also waive those rights and I think we ought to in this instance.

Gavin S. Gilmour

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

From: Gavin S. Gilmour
Sent: 04/20/2007 03:04 PM EDT
To: Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;
Thomas Wilkey
Cc: Juliet Hodgkins
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027032

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

bcc

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

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

027033



*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.”

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.

###



Gracia Hillman/EAC/GOV

04/16/2007 11:28 AM

To Jeannie Layson/EAC/GOV@EAC

cc Caroline C. Hunter/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.

bcc

Subject Re: IG Press Release 

History:

 This message has been replied to.

Jeannie:

The press release looks okay to me. I appreciate that you are being very careful with the words we use.

If there are changes to any of the words, I want to see them before giving final approval.

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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027036

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.
Rodriguez/EAC/GOV@EAC, Thomas R.
bcc
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
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
(202) 566-3107
chunter@eac.gov
www.eac.gov

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



EAC IGRrequest 04-16-07.doc

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

027037



*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.

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###

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
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
Caroline C. Hunter/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.
Rodriguez/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
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Caroline C. Hunter
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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

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EAC IGRequest 04-16-07.doc

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

027040



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

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For Immediate Release
April 16, 2007

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

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###



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

History

☞ This message has been forwarded.

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

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027043

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

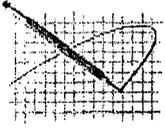
If you do not have any documents or e-mails, please send me an e-mail to that effect.

Thank you,

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

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027044



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

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.

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.

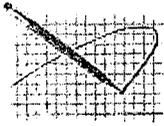
If you do not have any documents or e-mails, please send me an e-mail to that effect.

Thank you,

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

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027045



Curtis Crider/EAC/GOV

04/23/2007 03:24 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 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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027046

Attorney-Client
Privilege

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

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

bcc

Subject Fw: Fraud Report

Commissioners & Tom,

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

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

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

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

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

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

Subject Fraud Report

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

Thanks
Tom

Sent from my BlackBerry Wireless Handheld

027047

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

0211048

Gavin S. Gilmour/EAC/GOV
04/20/2007 03:04 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV, Gracia Hillman/EAC/GOV@EAC,
Caroline C. Hunter/EAC/GOV, Thomas R.
cc Juliet E. Hodgkins/EAC/GOV

bcc

Subject Draft response to Tova Wang's lawyer

History:  This message has been replied to and forwarded:

Pursuant to Commissioner Davidson's request, attached is the draft response to Tova Wang's lawyer.



Wang Ltr 17apr07.doc

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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SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

027049

**Deliberative Process
Privilege**

Attorney-Client
Privilege

April 17, 2007

James P. Joseph
Arnold & Porter L.L.P.
655 Twelfth Street, NW
Washington, DC 20004-1206

Mr. Joseph:

This letter is in response to your April 16, 2007 inquiry in which you request that your client, Ms. Tova Wang, be authorized by the U.S. Election Assistance Commission (EAC) to discuss certain matters pertaining to her prior employment with the agency.

As I am sure you are aware, Ms. Wang was employed by the EAC under its authority to hire experts and consultants pursuant to 42 U.S.C. §3109 (as implemented by 5 C.F.R. §304). As such, her agreement with the EAC created a limited employee/employer relationship. This is clearly stated in her contract. As an employee Ms. Wang has a duty to the Commission. Without direction from the EAC, Ms. Wang has no authority to speak for the EAC, release non-public information or discuss privileged matters with third parties. As you note in your letter, this concept is also clearly stated in her employment contract. The duties and responsibilities that come with Federal service are essential to the proper functioning of our government.

Ultimately, however, Ms. Wang's responsibilities should not have a significant impact on her ability to discuss her personal opinions on voter fraud. Per her employment contract, the project she worked on was focused on collecting existing information, defining terms and proposing future research methodology so that EAC could conduct a future research project on voter fraud and intimidation. As a result, the information gathered by Ms. Wang and other EAC employees is nothing more than a collection of articles, books and opinions that are publicly available. In fact, the EAC has published much of this information as an attachment to the final report which is available on our Web site. Ms. Wang is free to provide her personal opinion on voter fraud to anyone she wishes. Her only limitation is in speaking for the EAC or releasing privileged documents or information.

If Ms. Wang has questions concerning specific requests for information, or is requested to speak

on behalf of the EAC, she may contact her prior supervisor, Ms. Peggy Sims at (202)566-3127 for assistance.

Sincerely,

Gavin S. Gilmour
Deputy General Counsel

027050

Attorney-Client
Privilege

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

027051

We have received your letter dated May 9, 2007, on behalf of your client, the Brennan Center for Justice ("Brennan Center"): We disagree with your client's perception that any EAC search of its records was unreasonable. While the Election Assistance Commission ("EAC") is a tiny agency and often struggles to meet the numerous requests it receives for agency documents, we take each request seriously and strive to be responsive. The EAC takes exception to the procedural, substantive and legal conclusions and representations made in your letter. We believe our search for records was conducted reasonably. Nevertheless, the EAC has decided that the best way to accommodate your request is to perform a new search for documents responsive to your request. We believe a new search will lay to rest your client's perception that our initial search was unreasonable.

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The EAC has no desire to withhold information properly releasable under FOIA. Based upon the distribution of your letter, it is important for our agency to demonstrate its existing and continued policy of responsiveness by going beyond what is required and re-conducting the search that you allege was unreasonable. ✓ The EAC will essentially start over with regard to this request. As you know, Ms. Jeannie Layson has been in constant contact with Ms. Wendy Weiser of the Brennan Center during

See comments
on next
page.

Comment [s1]: Does "constant" accurately represent Jeannie's communication with Ms. Weiser?

the pendency of its FOIA request. In fact, Ms. Layson recently contacted Ms. Weiser to inform her that that she had found additional responsive information in the course of EAC records reviews for similar requests for information. Additionally, Ms. Layson and Ms. Weiser were working together to provide any e-mail attachments or similar documents desired by the Brennan Center which were identified, but omitted in the original response. Due to the procedural and substantive confusion and disagreements surrounding this matter, we will terminate these piecemeal activities in order to prevent any future misunderstandings.

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The EAC will conduct a second search and review of its documents. We will not charge the Brennan Center for the document collection, review or copying. For the purpose of clarity and to avoid any confusion, based upon the Brennan Center's previous requests it is seeking:

ALSO, I believe this is a great opportunity to address the larger audience by including our desire (if it exists) to improve EAC transparency by setting up - in the very near future - a FOIA reading room. I implore you to turn this correspondence into a progressive step for the agency!

Rosemary Rodriguez

Margaret Sims/EAC/GOV
04/03/2007 06:22 PM

To Jeannie Layson/EAC/GOV@EAC
cc jthompson@eac.gov, klynndyson@eac.gov, Thomas R.
Wilkey/EAC/GOV@EAC
bcc
Subject Re: Please review my responses 

Julie has already raised the point that most concerned me: I don't think it is accurate to say the consultant's recommendations were their findings. The recommendations were a combination of consultant recommendations and working group recommendations for future EAC action. We did not ask the consultants to provide "findings" because this research was never supposed to be the definitive study on the subject. Instead, it was supposed to be an initial effort to see what relevant information is available, to define voting fraud and voter intimidation, and to make recommendations to EAC regarding how to pursue the subject (next steps). --- Peggy

Jeannie Layson/EAC/GOV

04/03/2007 05:33 PM

To psims@eac.gov, jthompson@eac.gov, klynndyson@eac.gov, Thomas R.
Wilkey/EAC/GOV@EAC
cc
Subject Please review my responses
t

This are questions from a "freelance" reporter who is very hot about the "Tova Wang report." Please let me know if my answers are accurate, and I welcome any suggestions you may have. I need to get your input by COB tomorrow. I am also looking for more clarification on what didn't make it into the fraud report. She is asking if we included all of their "findings" and their "research."

Thanks.

1) 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).

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2) 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, which were their findings, and all of the research they conducted.

3) I understood you to say that EAC staff added results of their own research to the December EAC report. Is that correct? What I said was 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.

4) If I'm correct on questions 2 and 3, would it be accurate to say that readers of the December report cannot tell how much of that report does and does not reflect the original Wang/Serebrov findings? The consultants' recommendations are their findings. All of the recommendations are included in the final report, so readers can make the determination regarding the recommendations.

5) 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 and includes bios for both of the consultants. 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.

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process, we review for grammar as well as make sure the document flows and is arranged logically -- the basic tenets of editing.

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027056

Juliet E. Hodgkins/EAC/GOV

04/03/2007 05:50 PM

To Jeannie Layson/EAC/GOV@EAC

cc Karen Lynn-Dyson/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
bcc

Subject Re: Please review my responses

With regard to # 3 we did add our own research, because theirs was insufficient on the definition of voting fraud and voter intimidation.

On #6, you might want to include is written in a consistent voice. This might seem elementary, but not in this case. The comments about the boards may be confusing, here, since this was not vetted through those boards.

I am comfortable with the idea that their recommendations were their findings, although I am sure that Tova would disagree. These consultant/employees were asked to provide two things: 1) a definition of the phrases "voting fraud" and "voter intimidation" and 2) recommendations on a research methodology to conduct a comprehensive review in this area. To accomplish this, we asked them to review existing information on voting fraud and voter intimidation. They wholly failed to provide a definition -- they provided a compilation -- a statement which would cover every possible connotation of those phrases. No logic or limitation was applied. A definition is by its very nature a limitation. So, we had to completely rework that -- hence the additional research referred to above. We reviewed state laws concerning voting fraud and voter intimidation to come up with a definition of "voting crimes." With regard to the second part of their charge, the consultants, as well as their working group and some of the interviewees, provided recommendations. All 16 of them were included in the final report. We did not adopt all of them, obviously, but we did adopt all or part of 6 of those recommendations.

Other statements that were contained in the report were just that ... statements, summaries, or opinions ... concerning the existing research that was out there on this topic. I would not classify those as "findings."

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

Jeannie Layson/EAC/GOV

04/03/2007 05:33 PM

To psims@eac.gov, jthompson@eac.gov,
klyndyson@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC
cc

Subject Please review my responses

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Thanks.

027057

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than 147 members. If we are using research that will eventually become guidance, we are required by HAVA to seek the input of these boards. Go here for more information about these boards and its members. If the board members have feedback, then we must make the determination whether to incorporate it, and, if so, how to incorporate their changes. If the research is focused 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.

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027059

Jeannie Layson/EAC/GOV

04/03/2007 05:33 PM

To psims@eac.gov, jthompson@eac.gov,
klyndyson@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC

cc

bcc

Subject Please review my responses

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027060

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027061

Where's the Voter Fraud?

Tova Andrea Wang, The Century Foundation, 12/4/2006

Over the past month, the silence has been deafening.

For the past few years, many on the Right have been vociferously propagating the myth that voter fraud at the polling place is a rampant problem of crisis proportions. But we haven't heard from them lately. In fact, as far as my research can discover (Nexis and Google news searches of multiple relevant terms), there has not been one confirmed report of any of these types of incidents in the 2006 election. Not one. Even the Republican National Committee's vote fraud watch operation in their list of complaints from the 2006 election could not come up with one such case.

If you've been listening to the likes of John Fund, Thor Hearne, Ken Mehlman, and John Lott, you would think non-citizens are lining up to vote at the polls, mischievous partisans are voting multiple times by impersonating other voters, and dead people are voting in polling places across the country. In order to justify their argument that we need all voters to present government issued photo identification at the polls, they claim that this type of fraud is the biggest problem our electoral system confronts. They have been building and building this argument, hammering and hammering away at it to the point that it has now become the prevailing belief of the American public.

I won't go into the recitation of all of the previous research that has been done on what a nonexistent problem polling place fraud is and the fraudulent disenfranchisement narrow voter identification requirements cause among perfectly eligible voters— disproportionately minorities, the poor, the elderly, and voters with disabilities (who by the way, according to conventional wisdom, are also all disproportionately Democratic voters). However, confronted with this continuously growing mountain of evidence undermining their case, it has been interesting to observe the evolution of the Right's spinning of this issue of late.

In recent months, even before this election, slowly recognizing the remarkable weakness of their substantive argument, conservatives' new tack has been to say that even if its true that there is not much polling place fraud, the simple fact that the American people *believe* it is occurring is a problem itself in that it is causing them to lose confidence in the election system. Well, no wonder they have the misguided belief that this is a problem— that's the message the Right has been hammering away at them over the last few years. In any case, the argument goes that we need identification requirements not because they will in actuality do anything to enhance the integrity of the voting process, but because we need to reassure people who have the perception the process is corrupt.

Let me provide just a few examples of this. In their answer in the identification litigation in Indiana, the state outright admitted that there had never been a single, solitary case of polling place fraud in the history of the state. Nevertheless, the state argued. A state may take action to avoid the appearance of fraud as well as its actual occurrence. A Rasmussen Report poll found that 58% of Americans believed that there was a lot or some fraud in American elections, and a Gallup poll after the 2000 election showed that 67% of adults nationally had only some or very little confidence in the way votes are cast and counted in our country. Public perceptions, grounded on publicly reported evidence of fraud such as

that identified above [by the people I mentioned earlier] are a further justification for fraud prevention requirements like Indiana's photo ID law.

During the argument over photo identification before the Supreme Court in Michigan, the assistant attorney general conceded there is no evidence of widespread voter fraud but rather "a concern about it." The esteemed Carter-Baker Commission wrote http://www.brennancenter.org/stack_detail.asp?key=97&subkey=9857, "There is no evidence of extensive fraud in US elections or of multiple voting . . . but the electoral system cannot inspire confidence if no safeguards exist to deter or detect fraud or confirm the identity of voters. . . . The problem is not the magnitude of fraud . . . the perception of possible fraud contributes to low confidence in the system."

The Supreme Court may even be starting to buy into this rhetoric. In the recent *Purcell* case regarding Arizona's identification law, Justice Kennedy wrote, "Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy. Voter fraud drives honest citizens out of the democratic process and breeds distrust of our government. Voters who fear their legitimate votes will be outweighed by fraudulent ones will feel disenfranchised."

Georgia has twice passed voter identification requirements, in 1997 and 2005, basing the need for such barriers to the vote on instances of vote buying and absentee ballot fraud—two methods of voting that identification would do nothing about. More myths.

Basing voting rights laws upon purposely created misunderstandings of what the issues are is not a sound way to develop public policy. Rather than creating fake problems and then passing disenfranchising laws that purport to address them, we might do a better job of educating the American electorate as to what the real problems are in our voting system, and what they are not. It is only then that we will begin to address the flaws in the election systems that disenfranchise tens of thousands of voters in every major election.

Toua Wang is a Democracy Fellow at The Century Foundation.

The Century Foundation conducts public policy research and analyses of economic, social, and foreign policy issues, including inequality, retirement security, election reform, media studies, homeland security, and international affairs. The foundation produces books, reports, and other publications, convenes task forces, and working groups and operates eight informational Web sites. With offices in New York City and Washington, D.C., The Century Foundation is nonprofit and nonpartisan and was founded in 1919 by Edward A. Filene.

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DC Office: 1333 H Street, NW - 10th Floor - Washington, DC 20005 - [REDACTED]

027063

**Deliberative Process
Privilege**

March 15, 2007

Congressman Jose Serrano, Chairman
House Appropriations Committee
Subcommittee on Financial Services
And General Government
2227 Rayburn House Office Building
Washington, DC 20515

Via Hand Delivery

RE: Documents requested during March 7, 2007 Hearing

Dear Chairman Serrano:

On March 7, 2007, the United States Election Assistance Commission (EAC) participated in a hearing on the issue of election integrity. During that hearing, Congressman Hinchey, a member of your subcommittee, requested that certain documents be provided to the Committee. We appreciate the Committee's interest in EAC's activities, and we are pleased to respond to the request. Congressman Hinchey requested three documents: EAC's assessment report on CIBER, Inc., the draft report submitted to EAC regarding voter fraud and intimidation, and the draft report submitted to EAC concerning voter identification. For your information, the assessment report on CIBER, Inc. and the final culmination of the voter fraud and intimidation research – Election Crimes: An Initial Review and Recommendations for Further Study -- are available at www.eac.gov. However, we have provided hard copies of these reports as well as the additional information requested.

Assessment Report for CIBER, Inc.

The first requested document was the report of EAC's contracted laboratory assessor concerning the assessment and review of CIBER, Inc. under EAC's Interim Laboratory Accreditation Program. It is important to explain the purpose and process of EAC's Interim Accreditation Program, which was put in place after the National Institute of Standards and Technology (NIST) informed EAC that it would not complete its lab assessments until late 2006 or early 2007.

HAVA Accreditation Program Requirement. As you know, the Help America Vote Act of 2002 (Section 231(a)(1)) mandates EAC "... provide for the certification, de-certification and re-certification of voting system hardware and software by accredited laboratories." Additionally, the statute provides that laboratories are generally to be accredited in a two step process. First, NIST conducts an evaluation of independent non-Federal test laboratories. NIST selects those laboratories technically qualified to test voting systems to federal standards (2002 Voting System Standards and 2005 Voluntary

027064

Voting System Guidelines currently) and recommends them to EAC for accreditation. NIST has determined that it will utilize its preexisting National Voluntary Laboratory Accreditation Program (NVLAP) to perform its HAVA evaluation. Second, after receipt of NIST's recommendation, HAVA requires EAC issue a laboratory accreditation through a vote of its commissioners. As part of this process, EAC will conduct a review of its own to address non-technical issues such as conflict of interest, financial stability and recordkeeping.

HAVA required that NIST deliver its first set of recommended labs to the EAC "[n]ot later than 6 months after the Commission first adopts the voluntary voting system guidelines." This deadline passed in June 2006. Four laboratories applied to NIST for evaluation prior to the HAVA deadline, but the required technical reviews and on-site assessments were not completed by the deadline. The first set of NIST recommended laboratories were not received by the EAC until January 18, 2007.

The Need for EAC Interim Accreditation of Laboratories. Obviously, the need for EAC to provide accredited laboratories arose well before NIST's January 18 recommendation. First, towards the end of 2005 NIST informed the EAC that the expected timeline to complete required document collection and review, pre-assessment and formal on-site assessments of applicants made it highly unlikely that it would be able to provide a list of recommended laboratories before the end of 2006. This determination made it clear that the EAC would need to have an alternative process in place to provide accredited laboratories if it wished to implement its certification program before that time. Furthermore, in July of 2006, the National Association of State Election Directors (NASED) informed EAC that the organization was terminating its voting system qualification program. NASED is a non-governmental, private organization that accredited laboratories and qualified voting systems to federal standards for more than a decade. The organization's decision to terminate its voting system qualification program just before the 2006 general election required EAC to take immediate action. Without an entity to approve required voting system modifications for the 2006 election, some state election officials would be unable to field their HAVA-compliant systems. To address these situations, EAC was compelled to do two things (1) provide for interim accreditation of testing laboratories and (2) initiate a preliminary, pre-election phase of its voting system testing and certification program.¹ ?

¹ The pre-election phase of EAC's certification program was not originally planned, but was ultimately required to serve election officials and the public. The program began on July 24, 2006. The purpose of the pre-election phase of the program is to provide voting system manufacturers with a means to obtain a Federal Certification of voting system modifications during the vital period immediately prior to the November 2006 General Elections. Many states require a Federal or national certification as a condition of state certification. Historically, the three to four month period immediately preceding a General Election produces a number of emergent situations that require the prompt modification of voting systems. These changes are often required by state or local election officials and must be made prior to Election Day. To this end, the pre-election phase of the EAC's Certification Program is designed to meet the immediate needs of election officials from the date NASED terminated its qualification program until after the November General Election. The pre-election requirements of the certification program are narrowly tailored to meet these needs. Additionally, the pre-election phase of the program was drastically limited in

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2006

July 2006

EAC needed to provide accredited labs on a temporary, interim basis to ensure that the agency had the means to implement its certification program. Additionally, EAC would be compelled to implement a provisional, pre-election certification program to replace services offered by NASED. EAC could not wait for NIST to recommend laboratories. Fortunately, HAVA provided a mechanism for EAC to take such action in Section 231(b)(2)(B). This section requires that EAC publish an explanation when accrediting a laboratory without a NIST recommendation. A notice was published on EAC's Web site to satisfy this requirement.

EAC's Interim Accreditation Program. At a public meeting in August 2005 held in Denver, the commissioners received a staff recommendation outlining the details of the interim accreditation program. The staff recommendation included a process in which the three laboratories previously accredited by NASED – CIBER, SysTest Labs, and Wyle Laboratories – would be allowed to apply for interim accreditation. In December of 2005, EAC officially began accepting applications for a limited interim accreditation program. As stated in the letters, the purpose of the interim accreditation program was to provide accredited laboratories to test voting systems to federal standards, until such time as NIST/NVLAP was able to present its first set of recommended laboratories. This accreditation was limited in scope to the 2002 Voluntary Voting System Standards and required the laboratory to apply to the NVLAP program to receive a permanent accreditation. The letters also sought variety of administrative information from the laboratories and required them to sign a Certification of Laboratory Conditions and Practices. This certification required the laboratories to affirm, under penalty of law, information regarding laboratory personnel, conflict of interest policies, recordkeeping, financial stability, technical capabilities, contractors, and material changes.

In order to accredit a laboratory (even on an interim basis), EAC needed to contract with a competent technical expert to serve as a laboratory assessor. EAC sought a qualified assessor with real-world experience in the testing of voting systems. Ultimately, only one individual responded to EAC's solicitation. The individual was (at the time) the only individual known to have the requisite experience and assessor qualifications. The contractor reviewed each of the laboratories that applied. The review was performed in accordance with international standards, the same standards used by NVLAP and other laboratory accreditation bodies. This standard is known as International Standard ISO/IEC 17025, *General Requirements for the Competence of Testing and Calibration Laboratories*. In addition, the EAC assessor (who also currently serves as a NVLAP assessor) applied NIST Handbooks 150, *Procedures and General Requirements* and NIST Handbook 150-22, *Voting System Testing*.

CIBER, SysTest Labs, and Wyle Laboratories applied for accreditation under the interim program. Each, as required, had previously received a NASED accreditation. EAC's

scope, (1) it did not certify voting systems, just modifications and (2) the certification was provisional and, thus, expired.

↳ when?

assessor visited each of the labs and conducted a review consistent with the standards noted above. The assessor reviewed laboratory policies, procedures and capabilities to determine if the laboratories could perform the work required. Laboratory assessments do not make conclusions regarding past laboratory work product. Two of the applicant laboratories, SysTest Laboratories, L.L.C., and Wyle Laboratories, Inc. received an interim accreditation. The assessor's reports and EAC action regarding these laboratories are available on the EAC Web site.² EAC promptly published on its Web site information regarding its decision on accreditation (August and September of 2006). This notice provides some brief background on the interim accreditation process, starting with the fact that three previously NASED accredited laboratories were invited to apply to the program, including information on the program's requirements and limitations and ending with the identity and contact information of the two laboratories accredited. Information was also electronically forwarded to EAC's list of stakeholders via e-mail. The EAC stakeholders e-mail list includes almost 900 election officials and interest groups, nationwide. Staff members for EAC oversight and appropriations committees are included in this list of stakeholders. In addition to EAC's Web site and e-mail announcements, on September 21, 2006 EAC's Executive Director reiterated the Commission's decision at a public meeting Web cast to the EAC Web site. This announcement identified the interim accredited labs by name. Furthermore, in October 26, 2006, the two interim accredited laboratories testified at a nationally televised public hearing.

The Interim Accreditation Program and CIBER. The third laboratory, CIBER, has yet to satisfy the requirements of the interim accreditation program. The initial assessment of CIBER revealed a number of management, procedural and policy deficiencies that required remedial action before the laboratory could be considered for accreditation. These deficiencies are identified in the initial CIBER/Wyle report. They were also brought to the attention of CIBER's President of Federal Solutions in a letter from EAC's Executive Director dated September 15, 2006. The letter outlines, consistent with recommendation of EAC's assessor, the steps the laboratory must take to achieve compliance. The letter requires CIBER to:

- a. *Assign resources, adopt policies and implement systems for developing standardized tests to be used in evaluating the functionality of voting systems and voting system software. Neither ITA Practices, CIBER nor any of its partners will be permitted to rely on test plans suggested by a voting system manufacturer.*
- b. *Assign resources, adopt policies and implement systems for quality review and control of all tests performed on voting systems and the report of results from those tests. This shall include provisions to assure that all*

² Note: The Wyle and CIBER assessment was completed as a joint report. The two labs have a cooperative agreement to work together in test voting systems (Wyle performing hardware testing and CIBER software testing).

required tests have been performed by ITA Practices, CIBER or its accredited partner lab.

Finally, the letter required an additional "follow-up" assessment of the laboratory.

The follow-up assessment of CIBER was performed by EAC's assessor in December of 2006. The findings of this assessment were documented in a report, which is available on the EAC Web site. In the findings, the assessor recognized significant changes CIBER had made to its program in response to the initial assessment, including new policies regarding test procedures, management and personnel. The report also noted a number of non-conformities that had yet to be addressed by the laboratory.

Electron
In a letter dated January 3, 2007, CIBER provided a written response to EAC's follow-up assessment and report. The response sought to address the deficiencies noted in the December assessment. Additionally, CIBER officials requested to meet with EAC staff to discuss their January 3 response. This meeting took place at EAC on January 10, 2007. At the meeting, EAC staff informed CIBER that their report could not serve as the basis of accreditation because it failed to resolve all outstanding issues. A number of CIBER responses to noted deficiencies were listed as "TBD." EAC's assessor and Certification Program Director formally reviewed CIBER's response. EAC provided CIBER notice of the deficiencies that remain outstanding and informed them of the steps they must take to come into compliance by a letter dated February 1, 2007. *W* Due to the fact that the purpose and usefulness of the interim accreditation program is coming to a close, EAC allowed CIBER 30 days in which to document their full compliance. After this time, the program will be closed and no further assessment actions will be performed under the interim program. CIBER was notified of this procedure by letter dated January 26, 2007, and on February 8, 2007, EAC voted to close its interim laboratory accreditation program effective March 5, 2007.

Information related to CIBER's status in the EAC interim accreditation program was not released prior to January 26, 2007. It was EAC's belief, in consultation with NIST, that it would be improper to release information regarding an incomplete assessment. However, on January 25, 2007, CIBER took the affirmative action of making this information available to a third party, the New York State Board of Elections. With this action, CIBER made the information public and EAC believed it was incumbent to provide this information to the public. As such, on January 26, 2007, EAC posted on its Web site assessment reports, correspondence, and responses from CIBER related to their progress in the EAC interim accreditation program.

Copies of the two reports issued by the EAC assessor concerning CIBER's laboratory accreditation assessments are attached as Appendixes 1 and 2 to this letter.

Draft Voter Fraud and Voter Intimidation Report

The second document requested by Congressman Hinchey was the draft report prepared by Job Serebrov and Tova Wang as contracted employees to the EAC. This document was produced by contract employees of the EAC for the EAC. Thus, this draft report was and is considered predecisional under the deliberative process exemption to the Freedom of Information Act (FOIA).

As you may know, the Deliberative Process Privilege protects intra-agency documents that are (1) pre-decisional in nature and (2) part of the deliberative process. In other words, the documents must be part of a process that recommends or presents opinions on a policy matter or governmental decision before that matter is finally decided. It is a well settled matter of law that the work of contract employees and contractors ("consultants") constitute intra-agency documents.³ This is true even where the consultants are deemed to be independent contractors and are not subject to the degree of control that agency employment entails.⁴ The courts have made this determination after recognizing that agencies have a special need for the opinions and recommendations of temporary consultants.⁵ Ultimately, deliberative documents are exempt from release (1) to encourage open and frank discussions on policy matters between agency subordinates and superiors, (2) to protect against premature disclosure of proposed policies and (3) to protect against public confusion that might result from disclosure of rationales that were not in fact the ultimate basis for agency action.⁶

The report requested by Congressman Hinchey is a draft, representing one phase of the deliberative process—before the document was vetted by staff, approved by the Executive Director and reviewed and approved by the Commissioners (the relevant policy makers). Ultimately, the draft document was created by contract employees in order to aid the EAC's Commissioners in their decisions regarding voting fraud and voter intimidation. The contract employees had no personal interest in their submissions and had no agency decision-making authority. Each was tasked with simply providing pre-decisional research and information to the EAC. Their efforts were limited to creating a truthful, comprehensive, and unbiased draft report. Only when the report is finalized and is adopted by EAC does it constitute an EAC decision or a policy determination.

The determination of this document as predecisional is born out in the facts surrounding the project at issue, including the contract documents that gave rise to research and writing of this draft report. First, the voter fraud and intimidation study that

³ Department of the Interior v. Klamath Water Users Protective Association, 532 U.S. 1, 9-11 (2001) (Citing Harry E. Hoover v. Dept. of the Interior, 611 F.2d 1132, at 1138 (1980); Lead Industries Assn. v. OSHA, 610 F.2d 70, 83 (C.A.5 1980) (applying exemption 5 to draft reports prepared by contractors); and Government Land Bank v. GSA, 671 F.2d 663, 665 (CA1 1982)); See also Hertzberg v. Veneman, 273 F. Supp. 2d 67, 76 n.2 (D.D.C. 2003).

⁴ Klamath, at 10.

⁵ Hoover, 611 F.2d at 1138.

⁶ NLRB v. Sears, Roebuck & Co., 41 U.S. at 151.

was requested is a draft of a final document that has already been released after being vetted by staff and approved by the EAC Commissioners. It is available in its final form on EAC's Web site, www.eac.gov. The draft document at issue was created by two contract employees hired pursuant to 5 U.S.C. §3109 (see 42 U.S.C. §15324(b)). Individuals hired under this authority enter into an employment relationship with the EAC. The contract employees were supervised by an EAC program director who participated directly in the project. For example, the supervisor approved, facilitated, scheduled and participated in interviews conducted for the project. Further, the contract employees were provided research materials and other support from EAC law clerks and staff. As stated by their contracts, these consultants were hired so that the EAC could "...obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation." Moreover, the contracts clearly forbid the consultants from releasing the draft they created consistent with the privilege covering the draft report. The contract states

All research, information, documents and any other intellectual property (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express written permission of the EAC.

Finally, the purpose or subject of the draft report at issue was to make an EAC determination on how voter fraud should be studied by the agency. This was to be done by (1) assessing the nature and quality of the information that presently exists on the subject matter, (2) defining the terms and scope of EAC study as proposed by HAVA, (3) determining what is to be studied and (4) determining how it is to be studied. In addition, the Consultants were asked to develop a definition of the phrases "voting fraud" and "voter intimidation."

EAC's interpretation of HAVA and its determination of what it will study and how it will use its resources to study it are matters of agency policy and decision. It would be irresponsible for EAC to accept the product of contracted employees and publish that information without exercising due diligence in vetting the product of the employees' work and the veracity of the information used to produce that product. EAC conducted this review of the draft voter fraud and intimidation report provided by Ms. Wang and Mr. Serebrov. EAC found that the draft report failed to provide a definition of the terms as required, contained conclusions that were not sought under the terms of the contract or were not supported by the underlying research, and allegations that showed bias. EAC staff edited the draft report to correct the problems mentioned above and included all of the consultants' and working groups' recommendations. The final report was adopted by EAC on December 7, 2007 during its public meeting. The final report as well as all of

the underlying research conducted by Mr. Serebrov and Ms. Wang are available on EAC's Web site, www.eac.gov.

EAC understands and appreciates that the a request from a Congressional committee is exempt from the provisions of FOIA, and as such, EAC is providing this draft document despite the fact that the deliberative process exemption clearly applies to its contents. The draft report has been attached as Appendix 3 to this letter.

Draft Voter Identification Report

The third document requested is the draft report prepared by Rutgers University in conjunction with Moritz College of Law. Rutgers and Moritz served as contractors to EAC and produced this draft document pursuant to the provisions of the contract governing that relationship. This draft report, like the draft voter fraud and voter intimidation report, is predecisional under the deliberative process exemption to FOIA.

With regard to the Voter Identification draft report, it was created by Rutgers University in conjunction with the Moritz College of Law (Ohio State University) to "...provide research assistance to the EAC for the development of voluntary guidance on provisional voting and voting identification procedures." The stated objective of the contract was to:

...obtain assistance with the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements for the purpose of drafting guidance on these topics... The anticipated outcome of this activity is the generation of concrete policy recommendations to be issued as voluntary guidance for States.

As with the voter fraud and intimidation study mentioned above, the contractors were provided guidance, information, and were directed by EAC personnel. The final product they delivered (draft report sought) was identified as "a guidance document for EAC adoption." Clearly, as noted by the contract, the issuance of Federal guidance to states is a matter of government policy and limited to official EAC action. EAC has not completed review and vetting of this document. However, initial review of this document reveals data and analysis that causes EAC concern. The Contractor used a single election's statistics to conduct this analysis. The two sets of data came from the Census Bureau and included persons who were not eligible to and did not vote. The first analysis using averaged county-level turnout data from the U.S. Census showed no statistically significant correlations. So, a second analysis using a data set based upon the Current Population Survey (which was self-reported and showed a significantly higher turnout rate than other conventional data) was conducted that produced only some evidence of correlation between voter identification requirements and turn out. Furthermore, the initial categorization of voter identification requirements included classifications that actually require no identification at all, such as "state your name." The research methodology and the statistical analysis used by the Contractor were questioned by independent working and peer review groups comprised of social scientists

and statisticians. The Contractor and the EAC agree that the report raises more questions than provides answers.⁷ After this review process is completed, EAC will make a decision whether to adopt or reject the draft report.

Again, recognizing that a request from a Congressional committee is exempt from the provisions of FOIA, EAC is providing this draft document despite the fact that the deliberative process exemption clearly applies to its contents. The draft report has been attached as Appendix 4 to this letter.

Thank you for your requests and your interest in election administration. If you have further questions, please do not hesitate to contact me.

Sincerely,

Donetta Davidson
Chair

cc: Congressman Maurice Hinchey (letter only)

⁷ See EAC Public Testimony, February 8, 2007, page 109.

027071

**Deliberative Process
Privilege**

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

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

bcc

Subject Fraud Report

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

Thanks
Tom

Sent from my BlackBerry Wireless Handheld

027072

**Deliberative Process
Privilege**

**Attorney-Client
Privilege**

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

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

bcc

Subject Re: Fraud Report

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

Sent from my BlackBerry Wireless Handheld

Juliet E. Hodgkins

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

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

Commissioners & Tom,

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

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

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

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

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

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

Subject Fraud Report

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

027073

overview of the work you did on this report.

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

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

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

Thanks

Tom

Sent from my BlackBerry Wireless Handheld

027074

Attorney-Client
Privilege

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

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

bcc

Subject Fw: Fraud Report

Commissioners & Tom,

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

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

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

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

Subject Fraud Report

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

Thanks
Tom

Sent from my BlackBerry Wireless Handheld

027076

Attorney-Client
Privilege

Juliet E. Hodgkins/EAC/GOV
04/20/2007 08:17 AM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Fraud Report

My understanding is that Jeannie requested that Peggy provide a complete recitation of what happened and then Gracia said that I should do the same.

Sent from my BlackBerry Wireless Handheld
Gavin S. Gilmour
----- Original Message -----

From: Gavin S. Gilmour
Sent: 04/20/2007 08:21 AM EDT
To: Juliet Hodgkins
Subject: Re: Fw: Fraud Report

Sure thing... not sure I fully understand the ultimate goal concerning the document.

GG

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

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

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
04/20/2007 07:50 AM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
Subject Fw: Fraud Report

I would like to talk to you about this request when I get in. I am particularly interested in your thoughts on how this impacts atty-client privilege.

Sent from my BlackBerry Wireless Handheld
Thomas R. Wilkey
----- Original Message -----

From: Thomas R. Wilkey
Sent: 04/19/2007 05:03 PM EDT
To: Juliet Hodgkins; Margaret Sims
Cc: Jeannie Layson
Subject: Fraud Report

027077

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

Thanks

Tom

Sent from my BlackBerry Wireless Handheld

027078

Attorney-Client
Privilege

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

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

bcc

Subject Re: Fraud Report

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

Sent from my BlackBerry Wireless Handheld

Juliet E. Hodgkins

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

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

Commissioners & Tom,

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

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

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

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

Thomas R. Wilkey/EAC/GOV

04/19/2007 05:03 PM

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

Subject Fraud Report

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

027079

overview of the work you did on this report.

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

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

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

Thanks

Tom

Sent from my BlackBerry Wireless Handheld

027080

Sent from my BlackBerry Wireless Handheld

Attorney-Client
Privilege

Thomas R. Wilkey/EAC/GOV
04/19/2007 07:54 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
bcc
Subject Re: Fraud Report

Ok

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

From: Juliet E. Hodgkins
Sent: 04/19/2007 07:53 PM EDT
To: Thomas Wilkey
Subject: Re: Fraud Report

I understand. However, this is less of a request and more of a demand. Sorry, but we need to talk about a few things before tomorrow.

Sent from my BlackBerry Wireless Handheld
Thomas R. Wilkey
----- Original Message -----

From: Thomas R. Wilkey
Sent: 04/19/2007 07:51 PM EDT
To: Juliet Hodgkins
Subject: Re: Fraud Report

Ok if I can still talk..mi had to put hope with these three for the entire day

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

From: Juliet E. Hodgkins
Sent: 04/19/2007 07:50 PM EDT
To: Thomas Wilkey
Subject: Re: Fraud Report

Please call me at home after your dinner. 703-765-2047

Sent from my BlackBerry Wireless Handheld
Thomas R. Wilkey
----- Original Message -----

From: Thomas R. Wilkey
Sent: 04/19/2007 05:03 PM EDT
To: Juliet Hodgkins; Margaret Sims
Cc: Jeannie Layson
Subject: Fraud Report

After much discussion today among the Commissioners would like you both to prepare an in depth overview of the work you did on this report. This would include all of the details of your work on the both the draft report and the final report adopted

027083

by the Commissioners, Jeannie has offered to help you in any way.
I will discuss this further with each of you between now and tomorrow.
I have been at the damn conference all day and have not been able to go to a single session or spend time with people.

Thanks
Tom

Sent from my BlackBerry Wireless Handheld

Attorney-Client
Privilege

Juliet E.
Thompson/EAC/GOV
11/02/2005 04:26 PM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Question 

Perhaps they could simply submit a supporting statement with the number of hours that they worked.

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

Gavin S. Gilmour/EAC/GOV
11/02/2005 01:14 PM

To Juliet E. Thompson/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC
cc
Subject Fw: Question

Julie,

FYI (see below)

I am thinking that Job and Tova will have to resubmit their invoice (maybe we should call them time sheets) and include a summary of their hours worked.

Your thoughts.

GG

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

— Forwarded by Gavin S. Gilmour/EAC/GOV on 11/02/2005 01:12 PM —



"Job Serebrov"


11/02/2005 01:07 PM

To ggilmour@eac.gov
cc 
Subject Re: Question

Gavin:

027085

When do you think everything will be finalized and did you find out how long it will take to get paid for the Oct 25 invoice?

By the way, I think you and Julie gave me your colds.

Job

--- ggilmour@eac.gov wrote:

> Job,

>

> Per GSA Finance, the Federal Government does not
> have tax liability on
> Personal Services Contracts. You will be issued a
> 1099 and be responsible
> for paying the required taxes.

>

>

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

027086

Attorney-Client
Privilege

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

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

bcc

Subject Fw: Fraud Report

Commissioners & Tom,

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

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

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

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

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

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

Subject Fraud Report

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

Thanks
Tom

Sent from my BlackBerry Wireless Handheld

027087

Attorney-Client
Privilege

Juliet E. Hodgkins/EAC/GOV
04/20/2007 07:50 AM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
bcc
Subject Fw: Fraud Report

I would like to talk to you about this request when I get in. I am particularly interested in your thoughts on how this impacts atty-client privilege.

Sent from my BlackBerry Wireless Handheld
Thomas R. Wilkey
----- Original Message -----

From: Thomas R. Wilkey
Sent: 04/19/2007 05:03 PM EDT
To: Juliet Hodgkins; Margaret Sims
Cc: Jeannie Layson
Subject: Fraud Report

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

Sent from my BlackBerry Wireless Handheld

027088



"Job Serebrov"

11/02/2005 02:07 PM

To ggilmour@eac.gov

cc [redacted]

bcc

Subject Re: Question

History: This message has been forwarded.

Gavin:

When do you think everything will be finalized and did you find out how long it will take to get paid for the Oct 25 invoice?

By the way, I think you and Julie gave me your colds.

Job

--- ggilmour@eac.gov wrote:

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> 1099 and be responsible
> for paying the required taxes.
>
>
> Gavin S. Gilmour
> Associate General Counsel
> United States Election Assistance Commission
> 1225 New York Ave., NW, Ste 1100
> Washington, DC 20005
> (202) 566-3100

027089

Attorney-Client
Privilege

Gavin S. Gilmour/EAC/GOV
11/02/2005 01:52 PM

To Serebrov@sbcglobal.net
cc
bcc
Subject Question

Job,

Per GSA Finance, the Federal Government does not have tax liability on Personal Services Contracts. You will be issued a 1099 and be responsible for paying the required taxes.

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

027090

Gavin S. Gilmour/EAC/GOV
11/17/2006 04:51 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
bcc
Subject Re: Draft Voting Fraud and Voter Intimidation Report

Looks good...

I have some comments... (hand written) we can discuss upon your return..

GG

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

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

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
11/17/2006 01:40 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Elieen L. Colver/EAC/GOV@EAC, Matthew Masterson/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC
Subject Draft Voting Fraud and Voter Intimidation Report

Commissioners and Tom,

I have attached a draft version of the EAC Voting Fraud and Voter Intimidation report. **Please have your comments ready no later than Tuesday , Nov. 28, COB, so that I will be prepared to discuss them at our briefing on Wednesday , Nov. 29 at 10:30.**

You will note that there are appendixes referenced in the report. These documents are quite lengthy. Thus, I did not attach them to this email. If, however, you want to read the documents, DeAnna has access to them in my absence and can either email them to you or print them for you.

I think that the report is fairly self-explanatory. However, there are two questions that we need to address and that the Commissioners need to comment on:

1. The consultants provided summaries of articles, books, and reports that they read, as well as summaries of the interviews that they conducted. Peggy created two tables summarizing the consultants' summaries of books, article and reports as well as interviews. We need to make a determination of which summaries we want to attach as appendixes. The only issue that I am aware of (and I have a question pending to Peggy about the quality of these summaries) is a significant disagreement over the summaries

027091

of interviews with Craig Donsanto and John Tanner of the Dept. of Justice. They disagree with the characterization given by the consultants to what they said in the interview. Obviously, this matter would have to be resolved if we decide to use the consultants' summaries.

2. Tom and I had a conversation with Tova and Job about the fact that we are going to issue a report. Tova was quite insistent about being able to see the report before it is released. I am NOT inclined to give her a copy of the report before it is released. Neither Tova nor Job are still on contract with the EAC. Thus, they are just like any other member of the public. I believe that if we release it to them, then we may have a significant problem withholding the document from others that may ask for it via FOIA request. I believe that the course of action should be to release it to all persons simultaneously.

Happy reading and Happy Thanksgiving!



Voter Fraud & Intimidation Report.doc

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

027092

Gavin S. Gilmour/EAC/GOV
04/11/2007 11:52 AM

To Jeannie Layson/EAC/GOV, Juliet E.
Hodgkins/EAC/GOV@EAC
cc
bcc
Subject An unsolicited thought/statement

The stated purpose of the EAC's recently released "fraud report" was not to draw conclusions about fraud, but determine how the subject should be studied by the EAC. As such, it would inappropriate for the EAC to make unsupported conclusions regarding fraud in its preliminary report. Such speculative statements would only serve to compromise its future effort to study this matter in a nonpartisan fashion.

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

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

Bryan Whitener/EAC/GOV
04/30/2007 06:03 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 (4-30-07, Mon)

Commissioners,

(1) Leslie Clark of the Miami Herald plans to attend tomorrow's public meeting. Today she asked whether Florida is required to abide by EAC reply to their request. We said that EAC is the cognizant agency for most of the HAVA funding programs. We said that EAC therefore has the responsibility to advise and instruct states regarding the appropriate use of these funds consistent with the provisions of HAVA as well as circulars developed by OMB Circulars A-87 which governs the use of federal funds to purchase goods for state and local governments.

(2) Dana Burke, News Editor for the Citizen in Webster, TX is working on a story regarding voter identification requirements in Texas. She said Democrats opposed to the new legislation have referred to EAC's voter ID study and point to a correlation between more stringent voter id requirements and lower voter turnout, especially among minority groups. She noticed EAC's statement regarding a request for review, asked if the study is considered valid and whether the assessment by opponents of the legislation is correct. We sent her the following two links and replied that our Inspector General is currently reviewing the circumstances surrounding this research and 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

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

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027094

Caroline C. Hunter/EAC/GOV
04/11/2007 09:41 PM

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

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

History: This message has been forwarded

Thank you, Julie for turning this around so quickly. I believe this is the 1st communication with the boards on research issues. I think we need to discuss research in general, then explain what has happened in the past few weeks with the voter id and fraud studies. Don't we need to explain what has happened - Cong released, NYT, etc. Also, I believe the Advisory Bd provided comment and or action on one or both of the studies and I think that should be noted. Finally, do we think the graph with the pledge to provide accurate research would preclude our releasing the Eagleton report the way we did?

Juliet E. Hodgkins

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

From: Juliet E. Hodgkins
Sent: 04/11/2007 05:00 PM EDT
To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez
Cc: Sheila Banks; Elieen Kuala; "Wolson, Stephanie" <[REDACTED]>; Thomas Wilkey; Gavin Gilmour; Jeannie Layson
Subject: Draft letter to board of advisors and standards board

Commissioners,

Attached is a draft letter to the Standards Board and Board of Advisors. This draft follows our discussions earlier today. Please let me know if you have comments, edits or suggestions. I believe that the goal is to get this letter out tomorrow morning.

[attachment "draft letter to boards.doc" deleted by Caroline C. Hunter/EAC/GOV]

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

027095

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

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

History: This message has been forwarded

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" <stephanie.wolson@gmail.com>;
"Fabre, Stacie" <fms.eacfabre@yahoo.com>; 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

027096

are writing to the boards in the first place.

Sent from my BlackBerry Wireless Handheld

Bryan Whitener/EAC/GOV
03/29/2007 05:07 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 (3-29-07, Thurs)

Commissioners:

Today we had the following media inquiries:

(1) Pam Fessler of NPR wanted to know what Congressman Hinchey requested, and whether we complied. We told her we sent everything he requested to the House Appropriations Committee, Subcommittee on Financial Services and General Government. We explained that most of what they requested was available on our website. Regarding the voter ID research project, we said that at our Feb. public meeting EAC Chair Donetta Davidson requested that staff review the initial research provided by Eagleton and produce a final report, which would include recommendations for further study on this subject. However, we provided the Committee the initial information Eagleton provided to EAC. We then explained the chronology regarding the voter fraud and intimidation, and pointed out that the final report includes all of the recommendations put forth by the consultants as well the research they provided.

(2) John Gideon of Voters Unite wanted to know why we haven't investigated the equipment used in the FL-13 CD race. We explained that EAC's voting system certification program was implemented in January of this year. Until that time, voting systems were evaluated by NASED, which is not a federal agency. We went on to explain as follows - When the Commission adopted its certification program, it decided not to grandfather or transfer any voting systems that had been qualified by NASED. The Commission felt it was important to conduct its own evaluation of voting systems that had been qualified by NASED. That's why any NASED-qualified voting system, including the one he referenced, that wants an EAC certification must be submitted for end-to-end testing. The system he referenced has not been through EAC's certification program. If and when it does, it will be our responsibility to make sure the manufacturer adheres to the terms of our program. Also, when a system comes to us for certification, relevant substantiated reports or reviews of the voting system may be taken into account. And if an instance such as this were to arise regarding an EAC-certified system, we would certainly investigate. In addition, we will make public the systems that have received EAC certification upon completion of the appropriate review process, as well as those manufacturers that have registered with EAC and those voting systems that have been submitted for certification, and we sent him to our website for a list of the information we will post.

###

027098

Juliet E. Hodgkins/EAC/GOV
02/27/2007 04:54 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, jlayson@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC
cc Elieen L. Kuala/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC
bcc

Subject Questions for hearing

History: This message has been forwarded.

All--

I received a call from the minority staff of the appropriations subcommittee. I was informed that they are thinking of asking the following questions:

1. Have states spent the \$3.1 billion that we distributed under HAVA and what are we doing to monitor their spending of Federal funds?
2. Quoting from the Cal-Tech/MIT study, it appears that HAVA is improving voting and turn out, do we agree?
3. Does greater state involvement in elections equate to better election management?
4. How prevalent is voter fraud?
5. Has there ever been a documented incident of voting system tampering during an election?
6. Describe how the implementation of HAVA mandates increases voting security.
7. Will states participate in the voluntary voting system testing and certification program?
8. If the College Poll Worker program is funded, how will we determine which schools get the money?
9. Do paper trails (VVPATs) improve the security of voting systems?

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

027099

Margaret Sims/EAC/GOV
05/22/2006 05:01 PM

To ecortes@eac.gov, dromig@eac.gov, Elieen L.
Collver/EAC/GOV@EAC, Tamar Nedzar/EAC/GOV@EAC,
lotero@██████████

cc

bcc

Subject Voting Fraud-Voter Intimidation Working Group Meeting

History: This message has been forwarded.

If any of you took notes of the discussion during the Voting Fraud-Voter Intimidation Working Group meeting, would you please provide a copy to Devon. Devon, would you please use the meeting agenda to organize and consolidate any notes by topic, and send the consolidated notes to me? Thanks. --- Peggy

027100

Caroline C. Hunter/EAC/GOV
04/11/2007 09:41 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Rosemary E. Sheila A. Banks/EAC/GOV@EAC, Eileen L. Kuala/EAC/GOV@EAC, "Wolson, Stephanie" <[REDACTED]>, "Fabre, Stacie"
bcc

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

Thank you, Julie for turning this around so quickly. I believe this is the 1st communication with the boards on research issues. I think we need to discuss research in general, then explain what has happened in the past few weeks with the voter id and fraud studies. Don't we need to explain what has happened - Cong released, NYT, etc. Also, I believe the Advisory Bd provided comment and or action on one or both of the studies and I think that should be noted. Finally, do we think the graph with the pledge to provide accurate research would preclude our releasing the Eagleton report the way we did?

Juliet E. Hodgkins

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

From: Juliet E. Hodgkins
Sent: 04/11/2007 05:00 PM EDT
To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez
Cc: Sheila Banks; Eileen Kuala; "Wolson, Stephanie" <[REDACTED]>; "Fabre, Stacie" <[REDACTED]>; Thomas Wilkey; Gavin Gilmour; Jeannie Layson
Subject: Draft letter to board of advisors and standards board

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[attachment "draft letter to boards.doc" deleted by Caroline C. Hunter/EAC/GOV]

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

027101



Gracia Hillman/EAC/GOV

03/30/2007 06:26 PM

To Jeannie Layson/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Thomas R. Wilkey/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC

bcc

Subject Re: Voter ID update 

Too early yet.

Sent from my BlackBerry Wireless Handheld

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

From: Jeannie Layson

Sent: 03/30/2007 04:19 PM EDT

To: Donetta Davidson; Rosemary Rodriguez; Caroline Hunter; Gracia Hillman

Cc: Thomas Wilkey; Karen Lynn-Dyson; Juliet Hodgkins

Subject: Voter ID update

Commissioners,
Absolutely no activity/interest since my last update. Eagleton says no one other than NPR has contacted them. I'll let you know if anything changes. Otherwise, have a good weekend.

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

027102