

Jeannie Layson/EAC/GOV  
03/30/2007 04:19 PM

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

Commissioners,  
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](http://www.eac.gov)

027205

Rosemary E.  
Rodriguez/EAC/GOV  
03/30/2007 04:14 PM

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

Woo hoo!!!

Jeannie Layson

----- 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  
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Phone: 202-566-3100  
[www.eac.gov](http://www.eac.gov)

027204



"Thomas, Christopher M"

<[REDACTED]>

03/30/2007 05:37 PM

To "Donetta Davidson (E-mail)" <DDavidson@eac.gov>, "Tom Wilkey (E-mail)" <twilkey@eac.gov>

cc

bcc

Subject FW: EAC to Launch Comprehensive Study of Voter ID Laws, 3-30-07

Nicely done. At the Pew event in New York there was a long hot discussion with Ray on this issue at our dinner table. Leslie and Ray were for releasing and I was opposed. Doug joined in opposing as well.

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

**From:** bwhitener@eac.gov [mailto:bwhitener@eac.gov]

**Sent:** Friday, March 30, 2007 2:40 PM

**Subject:** EAC to Launch Comprehensive Study of Voter ID Laws, 3-30-07

## **For Immediate Release**

March 30, 2007

### Contact:

Jeannie Layson  
Bryan Whitener  
(202) 566-3100

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

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

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

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

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

027205

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

- \* Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements.
- \* Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation. EAC will use some of the information collected by the contractor as well as additional data from the states to develop this baseline.
- \* In 2007, convene a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification.
- \* Study how voter identification provisions that have been in place for two or more federal elections have impacted voter turnout, voter registration figures, and fraud.
- \* Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements.

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

###

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

### **Background**

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

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

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

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

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

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

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

voters who lacked photo ID to vote a regular ballot by swearing and affidavit.

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

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

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

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

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

EAC will undertake the following activities:

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

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

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

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

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

requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

###



Bert A. Benavides/EAC/GOV  
02/06/2007 04:51 PM

To Donetta L. Davidson/EAC/GOV, PDegregorio@eac.gov  
cc Matthew Masterson/EAC/GOV@EAC, Thomas R.  
Wilkey/EAC/GOV@EAC  
bcc  
Subject Fw: Voter ID talking pts - testimony Karen Lynn-dyson

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

— Forwarded by Bert A. Benavides/EAC/GOV on 02/06/2007 04:50 PM —

Karen Lynn-Dyson/EAC/GOV  
02/06/2007 04:46 PM

To Jeannie Layson/EAC/GOV@EAC, Bert A.  
Benavides/EAC/GOV@EAC  
cc ddavidson@eac.gov, ghillman@eac.gov,  
jthompson@eac.gov, pdegregorio@eac.gov,  
twilkey@eac.gov  
Subject Re: Voter ID talking pts 

Bert, et.al-

Here is the testimony Jeannie and Julie just approved

K



Karen Dyson testimony for Voter ID meeting.doc

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

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV  
02/06/2007 03:09 PM

To ddavidson@eac.gov, ghillman@eac.gov,  
pdegregorio@eac.gov  
cc twilkey@eac.gov, jthompson@eac.gov,  
klynndyson@eac.gov  
Subject Voter ID talking pts

027210

Commissioners,

Attached are suggested talking pts for the voter ID segment of the public meeting. Please let me know if you have questions or edits. After I receive everyone's input, I will circulate a final version.

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



[www.eac.gov](http://www.eac.gov) 2-8-07 Eagleton Talking Pts.doc

027211

## **Remarks for Thursday's Public Meeting**

In late May, 2005 this research contract awarded to The State University of New Jersey at Rutgers-- The Eagleton Institute of Politics using the Ohio State University Moritz School of Law, as its subcontractor.

The portion of the contract that was awarded related to the study and analysis of voter identification requirements was to :

- Collect and analyze state legislation, administrative procedures and court cases.
- Create a state-by-state compendium of the legislation, procedures, and litigation reviewed.
- Perform an analysis of how voter identification requirements were implemented around the country and to
- Recommend alternative approaches related to the future implementation of HAVA voter identification requirements. These recommendations were to be based on a literature review of research results, a review of data on voter identification and a diagnosis of the problems and challenges related to voter identification.

This contract was extended on two occasions to allow for additional review, including an EAC-initiated review conducted by an independently convened panel of experts who provided input to Eagleton on the first draft of its statistical analysis of voter identification requirements.

The Eagleton Institute of Politics submitted its draft report to the EAC on Best Practices to Improve Voter Identification Requirements on June 28, 2006. Findings from Eagleton's study of provisional voting (that was a part of Eagleton's overall study) were included in EAC's Best Practices on Provisional Voting, which were published by EAC in October 2005.

Karen Lynn-Dyson/EAC/GOV  
02/13/2007 11:00 AM

To twilkey@eac.gov  
cc Donetta L. Davidson/EAC/GOV@EAC, Juliet E.  
Hodgkins/EAC/GOV@EAC, Jeannie  
Layson/EAC/GOV@EAC  
bcc  
Subject Next Steps on the voter ID report

Tom-

Just wanted to check in to determine what, if anything, I need to do in order to assist with the creation and delivery of EAC's report on the Voter ID study.

I assume that we will have to issue something on or about March 8.

K

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

027215

Jeannie Layson/EAC/GOV  
02/20/2007 01:41 PM

To Donetta L. Davidson/EAC/GOV@EAC  
cc  
bcc  
Subject Re: Fw: HOTLINE - Rosemary Rodriguez and Caroline  
Hunter - Discharge and Confirm from Rules Committee

There is a chance that Chris Drew of the NYT may want to speak to you about our next steps for the voter ID research. I'll let you know, so stay tuned...

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

Donetta L.  
Davidson/EAC/GOV  
02/20/2007 01:30 PM

To Jeannie Layson/EAC/GOV@EAC  
cc  
Subject Fw: HOTLINE - Rosemary Rodriguez and Caroline Hunter -  
Discharge and Confirm from Rules Committee

-----  
Sent from my BlackBerry Wireless Handheld

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

**From:** "Rodriguez, Rosemary E. - City Council Dist. #3" [Rosemary.Rodriguez@ci.denver.co.us]  
**Sent:** 02/15/2007 06:39 PM  
**To:** Donetta Davidson  
**Subject:** Re: HOTLINE - Rosemary Rodriguez and Caroline Hunter - Discharge and Confirm from Rules Committee

3038089647

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

**From:** ddavidson@eac.gov <ddavidson@eac.gov>  
**To:** Rodriguez, Rosemary E. - City Council Dist. #3  
**Sent:** Thu Feb 15 16:28:54 2007  
**Subject:** Re: HOTLINE - Rosemary Rodriguez and Caroline Hunter - Discharge and Confirm from Rules Committee

Give me your phone number so Tom and I can call you. I can infor you then

-----  
Sent from my BlackBerry Wireless Handheld

027214

---

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

From: "Rodriguez, Rosemary E. - City Council Dist. #3" [Rosemary.Rodriguez@ci.denver.co.us]

Sent: 02/15/2007 06:26 PM

To: Donetta Davidson

Subject: Re: HOTLINE - Rosemary Rodriguez and Caroline Hunter - Discharge and Confirm from Rules Committee

Thanks! What happens next?

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

From: d davidson@eac.gov <d davidson@eac.gov>

To: Rodriguez, Rosemary E. - City Council Dist. #3

Sent: Thu Feb 15 16:20:40 2007

Subject: Re: HOTLINE - Rosemary Rodriguez and Caroline Hunter - Discharge and Confirm from Rules Committee

I just got notice that you are IN. Congratulations

-----  
Sent from my BlackBerry Wireless Handheld

---

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

From: "Rodriguez, Rosemary E. - City Council Dist. #3" [Rosemary.Rodriguez@ci.denver.co.us]

Sent: 02/15/2007 04:24 PM

To: Donetta Davidson

Subject: FW: HOTLINE - Rosemary Rodriguez and Caroline Hunter - Discharge and Confirm from Rules Committee

Fyi.

\*This email is considered an "open record" under the Colorado Open Records Act and must be made available to any person requesting it unless it clearly requests confidentiality. Please indicate whether or not you want your communication to be confidential.

Rosemary E. Rodriguez

Denver City Council

027215

District 3

69 Knox Court

Denver, CO 80219

3039227755

fax: 3039374651

rosemary.rodriguez@ci.denver.co.us

---

From: Goodstein, Sam (Salazar) [[mailto:sam\\_goodstein@salazar.senate.gov](mailto:sam_goodstein@salazar.senate.gov)]  
Sent: Thursday, February 15, 2007 1:55 PM  
To: Rodriguez, Rosemary E. - City Council Dist. #3  
Subject: FW: HOTLINE - Rosemary Rodriguez and Caroline Hunter - Discharge and Confirm from Rules Committee

FYI

---

From: Lapia, Joe (Dem-Secretary) [[mailto:Joe\\_Lapia@DEM-SEC.SENATE.GOV](mailto:Joe_Lapia@DEM-SEC.SENATE.GOV)]  
Sent: Thursday, February 15, 2007 3:48 PM  
To: D-HOTLINE@LISTSERV.SENATE.GOV  
Subject: HOTLINE - Rosemary Rodriguez and Caroline Hunter - Discharge and Confirm from Rules Committee

The Majority Leader asks unanimous consent that the Senate proceed to executive session; that the Rules Committee be discharged from further consideration of the following nomination:

Rosemary Rodriguez and Caroline Hunter to be members of the Election Assistance Commission;

Further that the nominations be confirmed and the motion to reconsider be laid on the table.

If your Senator has an objection, please contact the Democratic Cloakroom.

PLEASE DO NOT REPLY TO THIS EMAIL

027216

Calendar Entry

# Meeting Invitation Accepted This invitation has been accepted

<b>Subject</b>	Voter ID discussion	<b>Chair</b>	Donetta L. Davidson/EAC/GOV
<b>When</b>	<b>Date</b> Monday 03/05/2007 <b>Time</b> 02:30 PM - 03:30 PM (1 hour)	<b>Invitees</b>	caroline_c_hunter@yahoo.co m; ghillman@eac.gov; Juliet E_Hodakins/EAC/GOV@EAC Bert A. Benavides/EAC/GOV Sheila A Banks/EAC/GOV@EAC
<b>Where</b>	small conference room	<b>Required (to)</b>	
		<b>Optional (cc)</b>	

Commissioner Hillman will attend.

Calendar Entry

# Meeting Invitation Accepted This invitation has been accepted

**Subject** Voter ID discussion

**Chair** Donetta L. Davidson/EAC/GOV

**When**  
**Date** Monday 03/05/2007  
**Time** 02:30 PM - 03:30 PM (1 hour)

**Invitees**  
**Required (to)** caroline\_c\_hunter@yahoo.co  
m, ghillman@eac.gov, Juliet  
E. Hodakins/EAC/GOV@EAC  
Bert A. Benavides/EAC/GOV  
**Optional (Cc)** Sheila A.  
Banks/EAC/GOV@EAC

**Where** small conference room

Calendar Entry

# Meeting Invitation Accepted

This invitation has been accepted

<b>Subject</b>	Voter ID discussion		<b>Chair</b>	Donetta L. Davidson/EAC/GOV
<b>When</b>	<b>Date</b>	Monday 03/05/2007	<b>Invitees</b>	caroline_c_hunter@yahoo.com, ghillman@eac.gov, Juliet E. Hodokins/EAC/GOV@EAC, Bert A. Benavides/EAC/GOV, Sheila A. Banks/EAC/GOV@EAC
	<b>Time</b>	02:30 PM - 03:30 PM (1 hour)		
<b>Where</b>	small conference room			



"Rodriguez, Rosemary E. -  
City Council Dist. #3"

<[REDACTED]>  
[REDACTED]

03/02/2007 04:05 PM

To "Donetta L. Davidson/EAC/GOV" <ddavidson@eac.gov>

cc

bcc

Subject Accepted: Voter ID discussion



winmail.dat

027220



"Rosemary Rodriguez"

03/02/2007 04:07 PM

To ddavidson@eac.gov

cc

bcc

Subject Re: Invitation: Voter ID discussion (Mar 5 02:30 PM EST in small conference room)

I cannot open the html file....but accepted the meeting

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

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

To: [REDACTED]; ghillman@eac.gov; jhodgkins@eac.gov;  
klynndyson@eac.gov; [REDACTED] twilkey@eac.gov

Cc: bbenavides@eac.gov; sbanks@eac.gov

Sent: Thursday, March 1, 2007 1:30:38 PM

Subject: Invitation: Voter ID discussion (Mar 5 02:30 PM EST in small conference room)

Description

BEGIN:VCALENDAR

X-LOTUS-CHARSET:UTF-8

VERSION:2.0

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METHOD:REQUEST

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TZID:Eastern

BEGIN:STANDARD

DTSTART:19501029T020000

TZOFFSETFROM:-0400

TZOFFSETO:-0500

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END:STANDARD

BEGIN:DAYLIGHT

DTSTART:19500402T020000

TZOFFSETFROM:-0500

TZOFFSETO:-0400

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END:VTIMEZONE

BEGIN:VEVENT

DTSTART;TZID="Eastern":20070305T143000

DTEND;TZID="Eastern":20070305T153000

TRANSP:OPAQUE

DTSTAMP:20070301T203038Z

027221

SEQUENCE:0  
ATTENDEE;ROLE=CHAIR;PARTSTAT=ACCEPTED  
;CN="Donetta L. Davidson/EAC/GOV";RSVP=FALSE  
:mailto:ddavidson@eac.gov  
ATTENDEE;ROLE=REQ-PARTICIPANT;PARTSTAT=NEEDS-ACTION;RSVP=TRUE  
:mailto:caroline\_c\_hunter@yahoo.com  
ATTENDEE;ROLE=REQ-PARTICIPANT;PARTSTAT=NEEDS-ACTION;RSVP=TRUE  
:mailto:ghillman@eac.gov  
ATTENDEE;ROLE=REQ-PARTICIPANT;PARTSTAT=NEEDS-ACTION  
;CN="Juliet E. Hodgkins/EAC/GOV";RSVP=TRUE:mailto:jhodgkins@eac.gov  
ATTENDEE;ROLE=REQ-PARTICIPANT;PARTSTAT=NEEDS-ACTION;RSVP=TRUE  
:mailto:klynndyson@eac.gov  
ATTENDEE;ROLE=REQ-PARTICIPANT;PARTSTAT=NEEDS-ACTION;RSVP=TRUE  
:mailto:rosemaryrod2003@earthlink.net  
ATTENDEE;ROLE=REQ-PARTICIPANT;PARTSTAT=NEEDS-ACTION;RSVP=TRUE  
:mailto:twilkey@eac.gov  
ATTENDEE;ROLE=OPT-PARTICIPANT;PARTSTAT=NEEDS-ACTION  
;CN="Bert A. Benavides/EAC/GOV";RSVP=TRUE:mailto:bbenavides@eac.gov  
ATTENDEE;ROLE=OPT-PARTICIPANT;PARTSTAT=NEEDS-ACTION  
;CN="Sheila A. Banks/EAC/GOV";RSVP=TRUE:mailto:sbanks@eac.gov  
CLASS:PUBLIC  
DESCRIPTION;ALTREP="CID:<FFFF\_\_=0AABBF802DFFC40178f9e8a93df938690@gsa.gov>":  
SUMMARY:Voter ID discussion  
LOCATION:small conference room  
ORGANIZER;CN="Donetta L. Davidson/EAC/GOV";SENT-BY="mailto:  
:ekuala@eac.gov":mailto:ddavidson@eac.gov  
UID:DBF58FCD47BB478285257291006FC687-Lotus\_Notes\_Generated  
X-LOTUS-BROADCAST:FALSE  
X-LOTUS-UPDATE-SEQ:1  
X-LOTUS-UPDATE-WISL:\$S:1;\$L:1;\$B:1;\$R:1;\$E:1  
X-LOTUS-NOTESVERSION:2  
X-LOTUS-NOTICETYPE:I  
X-LOTUS-APPTTYPE:3  
X-LOTUS-CHILD\_UID:DBF58FCD47BB478285257291006FC687  
END:VEVENT  
END:VCALENDAR

---

Finding fabulous fares is fun.

Let Yahoo! FareChase search your favorite travel sites to find flight and hotel bargains.

027222

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

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

Commissioners-

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

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

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

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

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

Thanks



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

027223

## EAC Statement on Future Study of Voter Identification Requirements

### Background

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

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

On February 8, 2007 in an EAC public meeting, the contractor presented testimony summarizing the findings from this statistical and data analysis which it elected to perform on voter identification requirements. A summary of voter identification requirements by State, court decisions and literature on voter identification and related issues court decisions, an annotated bibliography on voter identification issues and state statutes and regulations affecting voter identification can be found, along with the contractor's testimony, on EAC's website: [www.EAC.gov](http://www.EAC.gov).

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- A state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states' requirements which require a voter to state this or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
- To collect a baseline of information on what factors may effect or influence Citizen Voting Age Population (CVAP) voter participation. **At a minimum data on voter participation statistics for the 2004 and 2008 election cycles would be collected.** Other factors to be examined will include various voter identification requirements, whether or not the race was "hotly" contested and, other environmental or political factors.

From this ongoing review and tracking EAC can determine the feasibility and advisability of further research and study into whether voter identification requirements have had an impact over several elections on factors such as voter turnout, registration, and fraud.

EAC is likely to consider implementing one or more of the following research studies that will serve to augment the work begun by the Eagleton Institute of Politics:

- **Convening a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include specific issues to be covered in the study and timelines for completing an EAC study on voter identification.**
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- A state-by-state tracking of early voting, absentee voting, and vote-by-mail policies and procedures. The data collected through this tracking would then be compared to the various state voter identification policies and procedures described above.

DRAFT

Karen Lynn-Dyson/EAC/GOV  
03/07/2007 09:50 AM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc Caroline C. Hunter/EAC/GOV@EAC, Donetta L.  
Davidson/EAC/GOV@EAC, Jeannie  
Layson/EAC/GOV@EAC, Juliet E.  
bcc  
Subject Re: Revised EAC Statement 

Commissioners-

Attached please find the revised EAC Statement on Voter Identification requirements.

I have attempted to craft language that expresses EAC's concern with the statistical analysis and research methodology that Eagleton employed, and to capture the essence of what EAC found problematic with that analysis.

In this draft I have kept the two options as I have not heard which option the Commissioners have chosen (e.g. for the release of all or only part of the Eagleton report)



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

027227

## EAC Statement on Future Study of Voter Identification Requirements

### Background

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

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DRAFT

Caroline C. Hunter/EAC/GOV  
03/07/2007 10:13 AM

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

Thank you, Karen. I believe we are getting closer to a consensus. I have a few comments which I will send to everyone soon.  
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV  
03/07/2007 09:50 AM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc Caroline C. Hunter/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, "Rosemary Rodriguez" <rosemaryrod2003@yahoo.com>, twilkey@eac.gov, Gracia Hillman/EAC/GOV@EAC  
Subject Re: Revised EAC Statement 

Commissioners-

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I have attempted to craft language that expresses EAC's concern with the statistical analysis and research methodology that Eagleton employed, and to capture the essence of what EAC found problematic with that analysis.

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

027231

## EAC Statement on Future Study of Voter Identification Requirements

### Background

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

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However, EAC has concerns regarding the research and statistical methodology the contractor chose to employ in order to categorize and analyze voter identification requirements. Therefore, EAC considers it advisable to engage in a longer-term, more systematic review of voter identification requirements and is recommending that additional study on the topic must take into account more than one Federal election cycle, must consider additional environmental and political factors that effect voter participation, and must take into account changing state laws and regulations related to voter identification requirements. At a minimum EAC will engage, on an ongoing basis, in:

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DRAFT

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

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc jlayson@eac.gov, Gracia Hillman/EAC/GOV@EAC,  
"Davidson, Donetta" <ddavidson@eac.gov>, Caroline C.  
Hunter/EAC/GOV@EAC, rosemaryrod2003@yahoo.com  
bcc  
Subject Re: Final EAC statement on Voter ID report 

Karen,

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

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

Karen Lynn-Dyson/EAC/GOV

03/08/2007 12:47 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC  
cc  
Subject Final EAC statement on Voter ID report

Julie/Jeannie-

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

027235

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

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

Thanks

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



Final EAC Voter ID Statement.doc Voter ID statement jth edits.doc

## EAC Statement on Future Study of Voter Identification Requirements

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- Publication of a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating pollworkers and voters about various voter identification requirements. Included in the case studies would be detail on the policies and practices used to educate and inform pollworkers and voters;
- A state-by-state tracking of early voting, absentee voting, and vote-by-mail policies and procedures. The data collected through this tracking would then be compared to the various state voter identification policies and procedures described above.

DRAFT

## EAC Statement on Future Study of Voter Identification Requirements

### Background

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

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Deleted: EAC

### EAC Recommendations for further study and next steps

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

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

Deleted: contractor's

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

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

EAC will undertake the following activities:

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

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

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- Convene, by mid-2007, a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include specific issues to be covered in the study, research and statistical methodologies to be employed and timelines for completing an EAC study on voter identification.

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- Track state policies and procedures for early voting, absentee voting, and vote-by-mail. The data collected through this tracking will then be compared to various state voter identification policies and procedures.

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

Thanks

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

Don't get soaked. Take a quick peek at the forecast  
with the Yahoo! Search weather shortcut.

027244



"Rosemary Rodriguez"  
<rosemaryrod2003@yahoo.com>  
03/09/2007 02:04 PM

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

Subject Re: Final EAC statement on Voter ID report

I will be in the office Tuesday afternoon. Thanks.

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

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

To: [REDACTED]

Cc: chunter@eac.gov; "Davidson, Donetta" <ddavidson@eac.gov>; ghillman@eac.gov;  
jhodgkins@eac.gov; jlayson@eac.gov

Sent: Friday, March 9, 2007 10:49:00 AM

Subject: Re: Final EAC statement on Voter ID report

Commissioners-

As requested, Jeannie Layson will take the attached statement and prepare a final version for Commissioner's review and tally vote on Monday.

Regards-

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

"Rosemary Rodriguez"  
[REDACTED]

03/08/2007 05:15 PM

To jhodgkins@eac.gov, klynndyson@eac.gov  
cc jlayson@eac.gov, ghillman@eac.gov, "Davidson, Donetta"  
<ddavidson@eac.gov>, chunter@eac.gov  
Subject Re: Final EAC statement on Voter ID report  
t

027245

are we now in the 48 hour tally vote period?

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

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

To: klynndyson@eac.gov

Cc: jlayson@eac.gov; ghillman@eac.gov; "Davidson, Donetta" <ddavidson@eac.gov>;  
chunter@eac.gov; [REDACTED]

Sent: Thursday, March 8, 2007 4:35:27 PM

Subject: Re: Final EAC statement on Voter ID report

Karen,

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

Karen Lynn-Dyson/EAC/GOV

03/08/2007 12:47 PM

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

cc

Subject Final EAC statement on Voter ID report

027246

Julie/Jeannie-

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Thanks

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

Don't get soaked. Take a quick peek at the forecast  
with the Yahoo! Search weather shortcut.

Food fight? Enjoy some healthy debate  
in the Yahoo! Answers Food & Drink Q&A.

Karen Lynn-Dyson/EAC/GOV  
03/12/2007 12:09 PM

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

Subject Next draft of the Voter ID statement

Commissioners-

It appears that I may be the latest casualty of the EAC "bug". As such, I'm leaving early today and may or may not be in the office tomorrow.

Jeannie and I have spoken of her getting the next draft of the statement from the four of you and preparing the final edited draft for the tally vote.

I would imagine Tom's office can put together the tally vote for this document and get it to you all tomorrow, if you have been able to reach a consensus on the final document. If this is not seen as urgent and I am back in the office I will be happy to get the material together for Wednesday.

Thanks

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

027248



"Silrum, Jim"  
[Redacted]

02/05/2007 04:39 PM

To "Donetta Davidson" <ddavidson@eac.gov>

cc

bcc

Subject Voter ID

History

 This message has been replied to.

Donetta,

Do you think it's possible that the people completing the study got it wrong in that they meant South Dakota rather than North Dakota? South Dakota is the one that is always in the news about their ID law.

Thanks,

*Jim Silrum*

Deputy Secretary of State  
State of North Dakota  
600 East Boulevard Avenue  
Bismarck ND 58505-0500  
701-328-3660 - Voice  
701-328-2992 - Fax  
[Redacted]

027249

Jeannie Layson/EAC/GOV  
02/06/2007 03:09 PM

To d davidson@eac.gov, ghillman@eac.gov,  
pdegregorio@eac.gov  
cc twilkey@eac.gov, jthompson@eac.gov,  
klynndyson@eac.gov

bcc

Subject Voter ID talking pts

Commissioners,

Attached are suggested talking pts for the voter ID segment of the public meeting. Please let me know if you have questions or edits. After I receive everyone's input, I will circulate a final version.

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



[www.eac.gov](http://www.eac.gov) 2-8-07 Eagleton Talking Pts.doc

027256

## **VOTER ID REPORT TALKING POINTS**

**Public Meeting**

**February 8, 2007**

### **I. Chair Davidson's Opening Comments for Eagleton Portion of Public Meeting**

- This has been a highly anticipated report.
- We received the Eagleton draft in June 2006.
- We immediately realized that the data presented more questions than answers.
- Since we have limited staff and resources, we were unable to immediately resolve these questions. Our top priorities at the time were the lab accreditation and the voting system certification programs.
- In addition, we had to focus our efforts on getting information to election officials and the public concerning the November elections, especially because so many jurisdictions were using new voting equipment.
- Now that we have launched those programs, we are once again turning our attention to this research project.
- Let me introduce Tom O'Neil and Tim Vercellotti. They are here today to pick up where we left off, and to give us a brief overview of the research they conducted regarding voter identification.

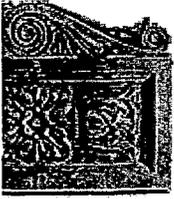
### **II. Karen Lynn-Dyson Testimony**

### **III. Eagleton Testimony**

### **IV. Commissioners Q&A**

### **V. Chair Closes Eagleton Portion of Public Meeting**

- Obviously many questions have been raised today.
- Next step is for EAC to determine how to move forward.
- I request that Tom instruct staff to provide recommendations on how to proceed within the next 30 days.
- Once we determine how to move forward and what the final culmination of this initial research will be, we will notify everyone.
- Thank you Tom and Tim for your hard work and efforts in the study of this important topic.



Bert A. Benavides/EAC/GOV  
02/06/2007 04:37 PM

To Donetta L. Davidson/EAC/GOV, Thomas R.  
Wilkey/EAC/GOV@EAC, PDelegorio@eac.gov  
cc Matthew Masterson/EAC/GOV@EAC, Karen  
Lynn-Dyson/EAC/GOV@EAC  
bcc

Subject Fw: Voter ID Presentation --Eagleton/Moritz (testimony,  
O'Neill and Vercellotti)

----- Forwarded by Bert A. Benavides/EAC/GOV on 02/06/2007 04:33 PM -----



"Thomas O'Neill"

02/06/2007 03:42 PM

To bbenavides@eac.gov

cc

Subject Voter ID Presentation --Eagleton/Moritz

Bert,

Attached is the text of the presentation that Tim Vercellotti and I will make to the EAC on Thursday, February 8. Thanks for your help in making arrangements for this meeting. Please let me know if you need anything else from us in advance of the meeting.

See you Thursday.

Tom O'Neill



VIDPresentation020807.doc

027252

**Presentation to the  
U. S. Election Assistance Commission  
February 8, 2007**

Deleted: 6

Summarizing a report on  
Best Practices to Improve Voter Identification Requirements  
Pursuant to the  
HELP AMERICA VOTE ACT OF 2002  
Public Law 107-252  
Submitted on June 28, 2006  
by  
The Eagleton Institute of Politics, Rutgers, The State University of New Jersey  
The Moritz College of Law, The Ohio State University

Thomas M. O'Neill  
Project Director  
And  
Tim Vercellotti  
Assistant Research Professor  
Assistant Director, Center for Public Interest Polling

Eagleton Institute of Politics  
Rutgers, The State University of New Jersey

Introduction

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Our report, submitted to the EAC last June, provided information on voter identification practices in the 2004 election. It made recommendations for best practices to evaluate future proposals for voter ID requirements. In particular, we recommended a concerted, systematic effort to collect and evaluate information on voter ID requirements and turnout from the states. This report was a companion to our report on Provisional Voting, submitted to the EAC in November 2005.

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The research was conducted by the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at the Ohio State University under a contract with the EAC, dated May 24, 2005. Unfortunately, our colleagues from Moritz could not be with us today because of teaching obligations.

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Our work included a review and legal analysis of state statutes, regulations and litigation concerning voter identification and provisional voting as well as a statistical analysis of the relationship of various requirements for voter identification to turnout in the 2004 election.

Voter ID requirements are just one set of election rules that may affect turnout. Social scientists have long studied how election rules affect participation in elections. The general view today is that the individual citizen chooses whether to vote by comparing costs and benefits. The benefits of voting are fairly stable –and hard to specify given the remote probability that any one vote will make a difference in an election. But whatever the benefit may be, as the costs of voting (for example, time, hassle, acquisition of information) increase, the likelihood that a citizen will vote decreases.

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We conducted our research before last year's election, when the debate over voter ID requirements was sharp and polarized. We took seriously our charge from the EAC, which was not to enter the national debate, but rather to explore if an empirical study could suggest how we might estimate the effects of different voter ID requirements on turnout. That analysis, of course, would be a sensible first step to assess tradeoffs between ballot security and ballot access and provide valuable information for all parties to the debate.

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A voting system that requires voters to produce an identity document or documents may prevent the ineligible from voting. It may also prevent eligible voters from casting a ballot. If the ID requirement of a ballot protection system blocks ineligible voters from the polls at the cost of preventing eligible voters who lack the required forms of identification, the net integrity of the ballot may not have been improved.

A key part of our work was a statistical analysis to examine how turnout may vary under different voter identification requirements. We used this statistical study to develop a model to illuminate the relationships between voter ID requirements and turnout. The model's findings and limitations suggest avenues for further research and analysis that may assist the EAC and the states as they explore policies to balance the goals of ballot integrity and ballot access.

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Tim Vercellotti led that phase of our research and will describe his methods and conclusions.

Results of Statistical Analysis

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Our research included an examination of variation in turnout based on voter ID requirements in the 50 states and the District of Columbia. We examined this question using aggregate data at

the county level gathered from the U.S. Census and other sources, and individual-level data from the November 2004 Current Population Survey.

Drawing from the research conducted by the Moritz College of Law, we were able to classify the states into one of five voter ID categories. Voters either had to:

1. state their name,
2. sign their name,
3. match their signatures to those already on file,
4. provide a non-photo ID,
5. provide a photo ID.

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But election laws in numerous states offer exceptions to these requirements if individuals lack the necessary form of identification, and laws in those states set a minimum standard that a voter must meet in order to vote using a regular ballot (as opposed to a provisional ballot). Thus it is also possible to categorize states based on the minimum requirement for voting with a regular ballot. In 2004 the categories were somewhat different compared to the maximum requirement, in that none of the states required photo identification as a minimum standard for voting with a regular ballot. Four states, however, required voters to swear an affidavit as to their identity. The five categories for minimum requirements were:

1. stating one's name,
2. signing one's name,
3. matching one's signature to a signature on file,
4. providing a non-photo identification, or
5. swearing an affidavit.

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Analysis of the aggregate data showed that the average turnout in states requiring photo identification as a maximum requirement was 58.1 percent compared to 64.2 percent in states that required voters to give their name as the maximum requirement. The differences were slightly smaller when we examined states in terms of their minimum requirements, with 60.1 percent of voters turning out in states that required an affidavit compared to 63 percent in states that required voters to give their name as the minimum requirement.

The analyses of aggregate data also included models that controlled for other factors that might influence turnout, such as whether a county was in a presidential battleground state, the length of time between the close of the registration period and Election Day, and the demographic composition of the county in terms of race and ethnicity, age, and household income. Controlling for those factors, the maximum requirements of providing a signature match or a non-photo identification showed a negative effect on voter turnout when compared to counties in states that only required voters to give their names. None of the voter identification requirements showed an effect on turnout, however, in the model that coded counties according to the states' minimum requirements.

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Analyses of the individual-level data from the November 2004 Current Population Survey also indicated relationships between voter ID requirements and turnout. Controlling for contextual factors, such as whether a voter resided in a presidential battleground state, and demographic characteristics, such as a voter's gender, race, ethnicity, age, and education, the data showed that registered voters in states that require photo identification as a maximum requirement were 2.9 percent less likely to say they had voted compared to registered voters in states that required voters to state their names. Examining states within the context of minimum identification requirements showed that registered voters in states requiring affidavits were four

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percent less likely to say they had voted compared to registered voters in states that required individuals to give their names at the polling place.

Breaking down the Current Population Survey sample by race and ethnicity also revealed interesting patterns. Photo identification and affidavit requirements were negatively associated with whether white registered voters said they voted compared to their counterparts in states requiring registered voters to give their names. But African-American, Hispanic, and Asian-American registered voters in states that required photo identification as the maximum requirement or an affidavit as the minimum requirement were no less likely to say they had voted than their racial or ethnic counterparts in states that simply required voters to give their names.

The most consistent difference emerged in states that required non-photo identification as a maximum or a minimum requirement. In five of six statistical models, African-American, Hispanic, and Asian-American registered voters in non-photo identification states were less likely to say they had voted in November 2004 than their racial or ethnic counterparts in states that required voters to state their names as a maximum or minimum identification requirement.

That the non-photo identification requirement was the most consistent in terms of statistical significance across the groups is intriguing given the intense debates surrounding photo identification requirements. This observation does not answer the question as to why photo identification requirements did not have a more uniform effect across groups in 2004. Of course, photo identification was a maximum requirement in only five states, and each of those states accepted another type of identification as a minimum requirement. But the finding that photo identification requirements were associated with a lower probability that white registered voters said they had voted, and the absence of a similar relationship within other racial and ethnic groups, runs counter to concerns expressed by some in the debate over voter ID. This finding points up the need for further research in this area, perhaps with a view to comparing turnout rates over time before and after a photo identification requirement takes effect, to further isolate potential relationships between photo ID requirements and turnout.

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In examining the link between voter identification requirements and turnout, there is still much to learn. The data examined in this project could not capture the dynamics of how identification requirements might lower turnout. If these requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day? The CPS data do not include measures that can answer this question. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements.

#### Conclusions from the Research

The statistical analysis suggests that stricter voter ID requirements can be associated with lower turnout. It was not designed, however, to look at the other side of the balance equation: do tighter ID requirements reduce multiple voting or voting by ineligible voters? The scope of our research as defined by the EAC excluded assessing the dynamics and incidence of vote fraud.

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We believe, however, that sound policy on voter ID should begin with an examination of the tradeoffs between ballot security and ballot access.

The existing evidence on the incidence of vote fraud, especially on the kind of vote fraud that could be reduced by requiring more rigorous voter identification, is not sufficient to evaluate those tradeoffs. The EAC's recent study<sup>1</sup> of election crimes found, for example, that there has never been a comprehensive, nationwide study of voting fraud and intimidation.

Without a better understanding of the incidence of vote fraud and its relationship to voter ID, for now, best practice for the states may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility. Election law should provide the clarity and certainty needed to forestall destabilizing challenges to election outcomes. Absent a sound, empirical basis for striking a wise balance between voter ID and ballot access, legal challenges may increase, not just to the process but to electoral outcomes.

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The analysis of litigation conducted by the Moritz College of Law for our research suggests that the courts will look more strictly at requirements that voters produce a photo ID in order to cast a regular ballot, than at non-photo ID laws. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting Social Security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents.

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To strike that balance requires a more precise understanding of how voter ID requirements affect turnout. A first step in that direction would be to encourage or require states to collect and report additional data, including:

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- The reasons potential voters are required to cast a provisional ballot and
- The reasons for rejecting provisional ballots.

#### Recommendations for consideration and action by the EAC

1. Encourage or sponsor further research to clarify the connection between voter ID requirements and the number of potential voters able to cast a ballot that is counted.
2. Recommend as a best practice the publication of a "Voting Impact Statement" by states as they assess their voter ID requirements. The analysis will help focus the attention of the public and policy-makers on the tradeoff between ballot access and ballot security. A "Voter Impact Statement," to be drafted and offered for public review and comment before the adoption of new identity requirements, would estimate the number and demographics of:
  - Eligible, potential voters who may be kept from the polls or permitted to cast a provisional ballot by a stricter ID requirement; and
  - Assess the number of ineligible voters who will be prevented from voting by the stricter ID requirements.

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The data collection and analysis recommended in this report would help make feasible an empirically-based assessment of the effects on voter participation of proposed identification requirements. That assessment could improve the quality of the debate on this polarizing topic.

<sup>1</sup> U. S. Election Assistance Commission, *Election Crimes: An Initial Review and Recommendations for Future Study*, December 2006.

3. Encourage or require the states to collect and report reliable, credible information on the relationship between ballot access and ballot security. A compilation by EAC of this information would provide a factual basis for the states to consider as they estimate the incidence of the kinds of vote fraud that more stringent ID requirements may prevent. The studies should include precinct-level data to provide the fine-grained analysis that can provide a solid foundation for policy.
4. Encourage or require states to sponsor surveys of voters to be conducted by local election officials. Such surveys would determine why those who cast a provisional ballot were found ineligible to cast a regular ballot and illuminate the frequency with which ID issues divert voters into the provisional ballot line. The connection between Voter ID requirements and provisional ballots is, of, course, close. Voters who lack required ID will likely vote provisionally, thus placing greater demands on a system that may be hard pressed to meet those demands. Asking voters what they know about ID requirements would also provide useful context for evaluating the effect of those requirements on electoral participation.<sup>2</sup>
5. Recommend as a best practice that state election officials conduct spot checks on how the identification process actually works at polling places. These spot checks could provide information on how closely actual practice tracks statutory or regulatory requirements.
6. Encourage states to examine the time period allowed for voters who cast a provisional ballot because they lacked required ID to return with their identification. In 11 states, voters who had to cast a provisional ballot because they lacked the ID required for a regular ballot were permitted to return later with their ID. Their provision of this ID is the critical step in evaluating the ballots. The length of the period in which the voter may return with ID is important. In setting the time period for return, which now varies among the states from the same day to about two weeks, states should consider three factors: the convenience of the voter, the total time allowed to evaluate ballots, and the safe harbor provision in presidential elections.

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#### A final thought

A voting system that requires voters to produce an ID may prevent the ineligible from voting. It may also prevent some eligible voters from casting a ballot. If the ID requirements block a few ineligible voters from the polls at the cost of preventing an equal or greater number of eligible voters who cannot obtain or have left at home the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit.

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Ultimately, a normative evaluation of whether a state should adopt a stricter voter ID requirement (and what form that requirement should take) will weigh value judgments as well as available factual evidence. We did our work on the premise that increased understanding of the facts relating to the imposition of voter ID requirements, based on available data and statistical analysis of that data, can help inform the policy process.

<sup>2</sup> Arizona held its first election with its new, stricter ID requirements on March 14, 2006. In at least one county (Maricopa) election officials handed a survey to voters that asked if they knew about the voter identification law and if they did, how they found out about it.

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We hope that premise is realistic, and we also hope that this research has helped the Commissioners and the interested public to clarify their thinking on this polarizing topic.

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On behalf of the Eagleton – Moritz research team, we thank you for the opportunity to contribute to the national debate.

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Karen Lynn-Dyson/EAC/GOV  
02/06/2007 04:46 PM

To Jeannie Layson/EAC/GOV@EAC, Bert A.  
Benavides/EAC/GOV@EAC  
cc ddavidson@eac.gov, ghillman@eac.gov,  
jthompson@eac.gov, pdegregorio@eac.gov,  
twilkey@eac.gov  
bcc  
Subject Re: Voter ID talking pts 

Bert, et.al-

Here is the testimony Jeannie and Julie just approved

K

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

Jeannie Layson/EAC/GOV

02/06/2007 03:09 PM

To ddavidson@eac.gov, ghillman@eac.gov, pdegregorio@eac.gov  
cc twilkey@eac.gov, jthompson@eac.gov, klynndyson@eac.gov  
Subject Voter ID talking pts

Commissioners,  
Attached are suggested talking pts for the voter ID segment of the public meeting. Please let me know if you have questions or edits. After I receive everyone's input, I will circulate a final version.

Jeannie Layson

027260

U.S. Election Assistance Commission  
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Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100



[www.eac.gov](http://www.eac.gov) 2-8-07 Eagleton Talking Pts.doc Karen Dyson testimony for Voter ID meeting.doc

027261

## **VOTER ID REPORT TALKING POINTS**

### **Public Meeting**

**February 8, 2007**

#### **I. Chair Davidson's Opening Comments for Eagleton Portion of Public Meeting**

- This has been a highly anticipated report.
- We received the Eagleton draft in June 2006.
- We immediately realized that the data presented more questions than answers.
- Since we have limited staff and resources, we were unable to immediately resolve these questions. Our top priorities at the time were the lab accreditation and the voting system certification programs.
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- Now that we have launched those programs, we are once again turning our attention to this research project.
- Let me introduce Tom O'Neil and Tim Vercellotti. They are here today to pick up where we left off, and to give us a brief overview of the research they conducted regarding voter identification.

#### **II. Karen Lynn-Dyson Testimony**

#### **III. Eagleton Testimony**

#### **IV. Commissioners Q&A**

#### **V. Chair Closes Eagleton Portion of Public Meeting**

- Obviously many questions have been raised today.
- Next step is for EAC to determine how to move forward.
- I request that Tom instruct staff to provide recommendations on how to proceed within the next 30 days.
- Once we determine how to move forward and what the final culmination of this initial research will be, we will notify everyone.
- Thank you Tom and Tim for your hard work and efforts in the study of this important topic.

## **Remarks for Thursday's Public Meeting**

In late May, 2005 this research contract awarded to The State University of New Jersey at Rutgers-- The Eagleton Institute of Politics using the Ohio State University Moritz School of Law, as its subcontractor.

The portion of the contract that was awarded related to the study and analysis of voter identification requirements was to :

- Collect and analyze state legislation, administrative procedures and court cases.
- Create a state-by-state compendium of the legislation, procedures, and litigation reviewed.
- Perform an analysis of how voter identification requirements were implemented around the country and to
- Recommend alternative approaches related to the future implementation of HAVA voter identification requirements. These recommendations were to be based on a literature review of research results, a review of data on voter identification and a diagnosis of the problems and challenges related to voter identification.

This contract was extended on two occasions to allow for additional review, including an EAC-initiated review conducted by an independently convened panel of experts who provided input to Eagleton on the first draft of its statistical analysis of voter identification requirements.

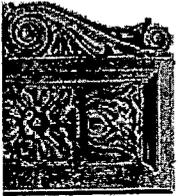
The Eagleton Institute of Politics submitted its draft report to the EAC on Best Practices to Improve Voter Identification Requirements on June 28, 2006. Findings from Eagleton's study of provisional voting (that was a part of Eagleton's overall study) were included in EAC's Best Practices on Provisional Voting, which were published by EAC in October 2005.

Jeannie Layson/EAC/GOV  
01/25/2007 05:25 PM

To Bert A. Benavides/EAC/GOV@EAC  
cc bbenavides@eac.gov, bhancock@eac.gov, Bryan Whitener/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Elieen L.  
bcc  
Subject Re: Revised draft agenda for Public meeting 2-08-07 

This agenda includes the name of the Eagleton doc, "Best Practices to Improve Voter Identification Requirements." Based on the feedback from this morning, I think it should simply be labled as "Briefing on Eagleton's Research on Voter Identification."

Jeannie Layson  
U.S. Election Assistance Commission  
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Phone: 202-566-3100  
www.eac.gov  
Bert A. Benavides/EAC/GOV



Bert A. Benavides/EAC/GOV  
01/25/2007 12:01 PM

To Donetta L. Davidson/EAC/GOV, PDegregorio@eac.gov, Gracia Hillman/EAC/GOV, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV, Jeannie Layson/EAC/GOV, bhancock@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV, Curtis Crider/EAC/GOV@EAC, Roger Larouche/CONTRACTOR/EAC/GOV@EAC  
cc Elieen L. Kuala/EAC/GOV@EAC, Matthew Masterson/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV, Bryan Whitener/EAC/GOV@EAC, bbenavides@eac.gov  
Subject Revised draft agenda for Public meeting 2-08-07

Attached is the revised draft agenda for our 2-08-07 Public Meeting. Please review and let me know of your approval so we may proceed to post on the website. Thanks.



Public Meeting, 2-08-07, Wash., Draft Agenda.doc

027264

Thomas R. Wilkey/EAC/GOV  
01/25/2007 05:35 PM

To Jeannie Layson/EAC/GOV@EAC, Bert A. Benavides/EAC/GOV@EAC  
cc Brian Hancock/EAC/GOV@EAC, Bryan Whitener/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Elieen L.  
bcc  
Subject Re: Revised draft agenda for Public meeting 2-08-07

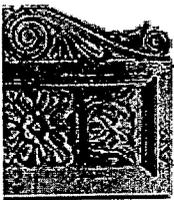
Perfect

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

**From:** Jeannie Layson  
**Sent:** 01/25/2007 05:25 PM  
**To:** Bert Benavides  
**Cc:** Bert Benavides; Brian Hancock; Bryan Whitener; Donetta Davidson; Elieen Kuala; Gavin Gilmour; Gracia Hillman; Juliet Hodgkins; Karen Lynn-Dyson; Matthew Masterson; Paul DeGregorio; Sheila Banks; Thomas Wilkey; Bryan Whitener  
**Subject:** Re: Revised draft agenda for Public meeting 2-08-07

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Jeannie Layson  
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Phone: 202-566-3100  
www.eac.gov  
Bert A. Benavides/EAC/GOV



Bert A. Benavides/EAC/GOV  
01/25/2007 12:01 PM

To Donetta L. Davidson/EAC/GOV, PDegregorio@eac.gov, Gracia Hillman/EAC/GOV, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV, Jeannie Layson/EAC/GOV, bhancock@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV, Curtis Crider/EAC/GOV@EAC, Roger Larouche/CONTRACTOR/EAC/GOV@EAC  
cc Elieen L. Kuala/EAC/GOV@EAC, Matthew Masterson/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV, Bryan Whitener/EAC/GOV@EAC, bbenavides@eac.gov  
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027265

[attachment "Public Meeting, 2-08-07, Wash., Draft Agenda.doc" deleted by Thomas R. Wilkey/EAC/GOV]



## U.S. Election Assistance Commission Public Meeting Agenda

1225 New York Avenue, NW  
Suite 150  
Washington, DC  
Thursday, February 08, 2007  
10:00 AM – 1:00 PM EST

Call to Order (Chair Davidson)

Pledge of Allegiance (Chair Davidson)

Roll Call

Adoption of Agenda (Chair Davidson)

Welcoming Remarks (Chair Davidson)

### OLD BUSINESS:

- Correction and Approval of Minutes from the December 07, 2006 Meeting (Chair Davidson)
- Report of the Executive Director (Thomas Wilkey)

### NEW BUSINESS:

- Update on EAC Interim Laboratory Accreditation Program
  - Brian Hancock, Director, Voting Systems Certification, U. S. Election Assistance Commission
- Update on EAC/NVLAP Accreditation Programs
  - Mary H. Saunders, Chief, Standards Services Division, National Institute of Standards and Technology (NIST)



**Break**

- **Briefing on Eagleton's Research on Voter Identification – “Best Practices to Improve Voter Identification Requirements,”**
  - **Karen Lynn-Dyson, Research Director, U. S. Election Assistance Commission**
  - **John Weingart, Associate Director, Eagleton Institute of Politics, Rutgers University**
  
- **EAC Audit Process and State Observations**
  - **Curtis Crider, Inspector General, U. S. Election Assistance Commission**
  - **Roger LaRouche, Assistant Inspector General, U. S. Election Assistance Commission**
  - **Dan Glotzer, HAVA Grant Manager, Texas Secretary of State**
  - **Marci Andino, Executive Director, State Election Commission, South Carolina**

**Commissioners' Closing Remarks**

**Adjournment**

Karen Lynn-Dyson/EAC/GOV  
01/26/2007 11:36 AM

To Donetta L. Davidson/EAC/GOV@EAC, Juliet E.  
Hodgkins/EAC/GOV@EAC

cc

bcc

Subject Re: Short introduction to the Eagleton Voter ID report 

Chair Davidson and Julie-

Attached are the two draft documents I have created related to the Voter Identification Study.

I look forward to our 2:00 PM conversation.



EAC Voter ID Report.doc New EAC Voter ID Report.doc

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

027268

## **EAC Report on Voter Identification**

### **Executive Summary**

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. HAVA Section 303 (b) mandates that first time voters who register by mail are required to show proof of identity before being allowed to cast a ballot. The law prescribes certain requirements concerning this section, but also leaves considerable discretion to the States for its implementation. The EAC sought to examine how these voter identification requirements were implemented in the 2004 general elections and to prepare guidance for the states on this topic.

In May 2005 EAC entered into a contract with the Eagleton Institute of Politics at Rutgers, the State University of New Jersey and the Moritz College of Law at the Ohio State University to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the contractor was to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and recommend various policies that could be applied to these approaches.

The contractor also performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Using two sets of data, aggregate turnout data at the county level for each state, and reports of individual voters collected in the November 2004 Current Population Survey conducted by the U.S. Census Bureau, the contractor found the overall relationship between the stringency of ID requirements and turnout to be fairly small, but statistically significant.

Based on The Eagleton Institute year-long inquiry into voter identification requirements EAC will implement one or more of the following recommendations:

- Further research into the connection between voter ID requirements and the number of ballots cast and counted;
- A state-by-state review of the impact that voter ID requirements are having on voter's participation;
- A state-by-state review of the relationship between ballot access and ballot security and the number of voters whose ballot is counted;
- A state-by-state review of time periods between voters casting of provisional ballots and the time allowed to return with an ID as well as a review of acceptable forms of identification other than photo ID.

## Introduction

This study was conducted at a time in which considerable attention is being paid to the issue of voter identification. Proponents of stricter identification requirements base their case on improving the security of the ballot by reducing opportunities for multiple voting or voting by those who are not eligible. The goal is to ensure that only those legally entitled to vote do so, and do so only once at each election. Opponents of stricter ID requirements seek to ensure broad access to a regular ballot. There is a fear that some voters -- racial and ethnic minorities, young and elderly voters-- lack convenient access to required ID documents, or that these voters may be fearful of submitting their ID documents for official scrutiny.

This report considers policy issues associated with the voter ID debate. It examines the relationships between voter ID requirements and voter turnout along with the various policy implications of the issue.

## Methodology of the Study

In May 2005, under contract with the EAC, the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at the Ohio State University undertook a review and legal analysis of state statutes, regulations and litigation concerning voter identification and provisional voting as well as a statistical analysis of the relationship of various requirements for voter identification to turnout in the 2004 election. The contract also included research and study related to provisional voting requirements. These research findings were submitted and reviewed by the EAC as a separate study.

The Eagleton Institute of Politics gathered information on the voter identification requirements in 50 states and the District of Columbia for 2004. Based on interpretations of state statutes and supplemental information provided through conversations with state election officials, state ID requirements were divided into five categories, with each category of identification more rigorous than the one preceding: stating name, signing name, signature match, presenting an ID, and the most rigorous, presenting a government photo ID. The Eagleton Institute also categorized and identified each state according to maximum and minimum identification requirements. Maximum requirements refer to the most that voters may be asked to do or show at the polling place. Minimum requirements refer to the most that voters can be required to do or show in order to cast a regular ballot. These definitions and the subsequent state-by-state analysis of voter identification requirements omitted those cases in which a particular voter's eligibility might be questioned using a state's voter ballot challenge process.

Two data sets were used to apply the criteria (variables) that were developed above: aggregate voter turnout data at the county level which was gathered from the EAC's 2004 Election Day Survey and; reports of individual voters collected through the November 2004 Current Population Survey administered by the U.S. Census Bureau. Use of EAC

survey data and Census Bureau CPS data provided a way to cross-check the validity of the analysis and conclusions that would be drawn regarding the effect of voter ID requirements on voter turnout.

## **Study Oversight and Methodological Review**

A draft of the Eagleton Institute report and findings on voter identification requirements was critiqued by a peer review group convened by the Eagleton Institute. A second review of the study's research and statistical methodologies was conducted using a group of research and statistical experts independently convened by the EAC. Comments and insights of the peer review group members were taken into account in the drafting of a study report although there was not unanimous agreement among the individual reviewers regarding the study findings and recommendations.

### **The Eagleton Institute of Politics Peer Review Group**

R Michael Alvarez, California Institute of Technology  
John C. Harrison, University of Virginia School of Law  
Martha E. Kropf, University of Missouri-Kansas City  
Daniel H. Lowenstein, University of California at Los Angeles  
Timothy G. O'Rourke, Salisbury University  
Bradley Smith, Capital University Law School  
Tim Storey, National Conference of State Legislatures  
Peter G. Verniero, former Attorney General, State of New Jersey

### **The EAC Peer Review Group**

Jonathan Nagler, New York University  
Jan Leighley, University of Arizona  
Adam Berninisky, Massachusetts Institute of Technology

## **Summary of the Research**

### **Maximum and Minimum Voter Identification Requirements**

In order to analyze what, if any, correlation may exist between a State's voter identification requirements and voter turnout, the Eagleton Institute first coded a state according to how demanding its voter ID requirement was. The voter ID requirement, ranked from lowest to highest was as follows: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification and, providing a form of photo identification. Several possible caveats to this ranking system were noted. For all states which had photo identification requirements in 2004, voters

without a photo ID were permitted to cast a regular ballot after signing an affidavit regarding his or her identity and eligibility. These voters were also allowed to provide other forms of ID. The researchers also noted that while each state may be assigned to a category, that categorization may not reflect the actual practice related to voter identification that may or may not have taken place at many polling places.

Research performed for this study by the Moritz College of Law found that states had five different types of **maximum** identification requirements in place on Election Day 2004. For the purposes of this study a requirement that called for a signed affidavit or the provision of other forms of ID was considered the most rigorous or the “maximum” requirement. At the polling place voters were asked to:

- State his or her name (10 states)
- Sign his or her name (13 states and the District of Columbia)
- Sign his or her name, which would be matched to a signature on file (seven states)
- Provide a form of identification that did not necessarily include a photo (15 states)
- Provide a photo identification (five states)

Using the same criteria, but applying them as **minimum** rather than maximum criteria for voting the research showed: **(check this section- it doesn't really make sense)**

- State his or her name (12 states)
- Sign his or her name (14 states and the District of Columbia)
- Matching the voter's signature to the signature on file (6 states)
- Provide a non-photo identification (14 states)
- Swear by an affidavit (4 states)

The results of the research are summarized in Table 1.

Election laws in several states offer exceptions to these ID requirements if potential voters lack the necessary form of identification. Laws in these states set a minimum requirement that a voter may be required to satisfy in order to vote using a regular ballot. In 2004 none of the states required photo identification as a minimum standard for voting with a regular ballot. That is, voters who lacked photo ID were allowed to vote in all states, if he or she was able to meet another ID requirement.

### **The Relationship of Voter Identification Requirements to Voter Turnout**

A statistical analysis examining the variation in turnout rates based on the type of voter ID required by each state in the 2004 election was conducted using two sets of data: 1) aggregate turnout data at the county level for each state (compiled by the Eagleton Institute of Politics-**footnote about how they collected the data**) and 2) individual level survey data included in the November 2004 Current Population Survey (CPS), conducted by the U.S. Census Bureau.

The analysis looked at the voter identification requirements as a continuous variable and as a series of discrete variables. As a continuous variable the maximum voter identification requirements were ranked according to how demanding they were judged to be, with photo identification considered to be the most demanding requirement (**what about affidavit????**). Used as discrete variable, the statistical analysis considered stating the name as the least demanding ID requirement; the other ID requirements were then compared to that requirement.

### **Aggregate-level statistical analysis**

The statistical analysis performed by the Eagleton Institute of Politics found that when averaging across counties in each state, statewide turnout is negatively correlated to maximum voter identification requirements ( $r = -.30$ ,  $p$  less than .05). When a statistical analysis is performed on the other minimum voter ID requirements (with affidavit being the most demanding requirement), the correlation between voter identification and turnout is negative, but not statistically significant ( $r = -.20$ ,  $p = .16$ ). These findings would suggest that the relationship between turnout rates and minimum requirements may not be linear.

The aggregate data show that 60.9 percent of the estimated citizen voting age population voted in 2004. Taking into account the maximum requirements, an average of 64.6 percent of the voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. A similar trend was found when analyzing minimum ID requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their name, compared to 60.1 percent in states that required an affidavit from voters. This analysis showed there was not a clear, consistent linear relationship between turnout and minimum identification requirements.

**(insert table 2- Variation in 2004 State Turnout Based on Voter Identification Requirements)**

### **Multivariate models of analysis using aggregate-level data**

The Eagleton Institute of Politics performed an additional analysis that would estimate the effects of voter identification requirements, that took into account the electoral context in 2004 and, the demographic characteristics of the population in each county. The model also considers such variables as whether or not the county was 1) in a presidential battleground state, 2) if the county was in a state with a competitive race for government and/or the U.S. Senate, 3) the percentage of voting-age population in each county that was Hispanic or African-American 4) the percentage of county residents age 65 and older, 5) the percent of county residents below the poverty line, and 6) the number of days between each state's registration deadline and the election.

The results of this statistical modeling and subsequent analysis indicated that the stricter voter ID requirements of matching a voter's signature to a signature on file or with presenting a non-photo identification are associated with lower voter turnout when compared to voter turnout in states that required voters to simply state his or her name. These conclusions were reached when variables 1-5 listed above were held constant.

Other results from the Eagleton Institute analysis of stricter voter identification requirements showed that:

- Increased voter turnout was associated with whether the county was in a battleground state or whether that state have a competitive race for governor and/or U.S.Senate.
- A slight negative effect on turnout was correlated with those state's with a longer time between the closing date for registration and the election.
- Voter turnout declined as the percentage of Hispanics in a county's population increased.
- Higher turnout (and a positive correlation) was associated with a higher percentage of senior citizens and household median income.
- The percentage of African-Americans in the county did not have a significant effect on turnout.

The Eagleton Institute analysis of minimum voter identification requirements showed that:

- A relationship between minimum voter ID requirements and turnout was not demonstrated.
- Battleground states and those with competitive state races had a significant and positive correlation to turnout.
- A higher percentage of senior citizens in the county and higher household median income were associated with higher turnout and showed a positive correlation to turnout.
- The percentage of Hispanics in the county was associated with reduced turnout.
- The increased number of days between the closing date for registration was associated with reduced turnout.

The analysis of these aggregate, county-level data showed a significant correlation, between maximum voter identification requirements (a signature match and non-photo

identification, but not a photo identification) and lower turnout in the 2004 election. This correlation was also significant when compared to the minimum voter ID requirement of the voter simply having to state his or her name.

### **Multivariate analysis using individual level turnout data**

This analysis which used November 2004 Current Population Survey data conducted by the U.S. Census Bureau is based on reports from self-described registered voters. Not included in the analysis are persons who said they are not registered to vote, those who said they cast absentee ballots and those who said they were not U.S. citizens. The CPS' Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents. **( why is the N is Table 3-54,973?)**

In addition to the five maximum voter identification requirements (enumerated on page XX) the analysis performed included other socioeconomic, demographic and political factors that could have influenced turnout in the 2004 election. These independent variables were analyzed against the dependent variable of whether or not the respondent said he or she voted in the November 2004 election.

In this analysis three of the voter identification requirements were shown to have a statistically significant correlation with whether or not the survey respondents said they have voted in 2004. Lower voter turnout was associated with:

- those states with maximum voter requirements to sign one's name,
- those states with maximum voter requirements to provide a non-photo ID or photo ID, or
- those states with the minimum voter requirement to swear by an affidavit in order to cast a ballot without the state-required identification

Increased voter turnout showed:

- A significant correlation with the competitiveness of the Presidential race **(explain)**.
- African-American voters were more likely than white or other voters to say they have voted.
- Income and marital status were positive predictors of voting **(high income or low income, single, married?)**,
- Women were more likely to say they voted than men.
- Those ages 45 to 64 and 65 and older were more likely to say they voted than those ages 18 to 24.
- Those who earned a high school diploma, attended some college, graduated from college or attended graduate school were more likely to say they have voted than those who had not finished high school.

## **Analysis of the predicted probability of voter turnout using the individual data**

Using this Census Bureau Current Population Survey data the Eagleton Institute of Politics performed an additional statistical analysis in which they calculated the effect of various independent variables on the probability that a respondent said he or she voted. This analysis, involving 54,973 voters cross-tabulated the maximum and minimum voter identification requirements in each state with the five levels of voting requirements: stating name, signing name, matching the signature, a non-photo ID, photo-ID signing an affidavit. The results of these **Predicted Probability of Voter Turnout for all Voter** tabulations are summarized in Table 3 below:

From this analysis, the Eagleton Institute of Politics found that three of the voter identification requirements (**which ones?**) exerted a statistically significant, negative effect on whether or not the CPS survey respondents said they had voted in 2004. That is, compared to states that require voters to only state their name, those states which require the voter to sign his or her name, to provide a non-photo ID, or to provide a photo ID as a maximum requirement, were shown to have a negative influence on turnout. Also, a negative influence on turnout was found when comparing those states that require voters to only state their name, as compared to those states which have as a minimum requirement for verifying voter ID, signing an affidavit.

This probability analysis also found that the competitiveness of the presidential race had a significant effect on turnout as well as some significant demographic and educational effects. For the entire voting population signature, non-photo identification and photo identification requirements were all associated with lower turnout rates compared to the requirements that voter simply state their names. The analysis further found that:

- The predicted probability that Hispanics would vote in states that required non-photo identification was about 10 percentage points lower than in states where Hispanic voters gave their names and that Hispanic voters were less likely to vote in states that required non-photo identification as opposed to only having to state one's name.
- Hispanic voters were 10 percent less likely to vote in non-photo identification states compared to states where voters only had to give their name. African American and Asian-American voters were about 6 percent less likely, while white voters were about 2 percent less likely.
- Asian-American voters were 8.5 percent less likely to vote in states that required non-photo identification compared to states that require voters to state their names under the maximum requirements, while they were 6.1

percent less likely to vote where non-photo identification was the minimum requirement.

- For those with less than a high school diploma, the probability of voting was 5.1 percent lower in states that required photo identification as the maximum requirement and 7 percent lower in those states that required an affidavit as the minimum requirement. These percentages were arrived at when comparing these states to ones that use as a minimum or maximum requirement, the voter to merely state his or her name.

### **Conclusions from the statistical analysis**

The statistical analysis found that as voter identification requirements vary, so do voter turnout rates. These findings were borne out through analyses conducted on aggregate data and individual-level data. There were, however, some distinctions found depending upon whether or not the state's particular voter identification requirements were set as minimums or maximums.

- The overall relationship between voter identification requirements and turnout for all registered voters was found to be small but statistically significant.
- Using the aggregate data the signature match and the non-photo identification requirement correlated with lower turnout. The photo identification requirement did not have a statistically significant effect.
- In the individual-level data the signature, no-photo identification and photo identification requirement were all correlated with lower turnout when compared to the requirements that voter simply state their names.
- Across various demographic groups (African-Americans, Asian-Americans and Hispanics) a statistically significant relationship was found between the non-photo identification requirement and voter turnout

### **Caveats to the Analysis**

The Eagleton Institute for Politics and the EAC make note that while this analysis is a good beginning, significant questions remain regarding the relationship between voter identification requirements and turnout. These analyses are unable, for example, to capture how or why identification requirements might lower turnout. That is, is it because voters are aware of the identification requirements and stay away from the polls because of them? Alternatively, do the requirements result in some voters being turned away when they cannot provide the identification, or must cast a provisional ballot?

Knowing more about the “on the ground” experience of voters regarding various identification requirements will guide state and local level policy makers in their efforts to educate voters about the requirements. These experiences could also help instruct election judges on how to handle questions and possible disputes over voter identification requirements.

## **Public Policy and Administrative Considerations**

Voter Identification, often described as the critical step in protecting the integrity of the ballot, is a process which can ensure that the potential voter is eligible and, if eligible, is permitted to cast one ballot. A voting system that requires voters to produce an identification document or documents may prevent the ineligible from voting, but also may prevent the eligible from casting a ballot.

Evaluating the effect of different voter identification regimes can be most effective when based on clear legal, equitable and practical standards. The questions outlined below might point policymakers to standards that can be created around voter identification requirements.

1. Is the voter ID system designed on the basis of valid and reliable empirical studies that will address concerns regarding certain types of voting fraud?
2. Does the voter ID requirement comply with the letter and spirit of the Voting Rights Act?
3. How effective is the voter ID requirement on increasing the security of the ballot and can it be coordinated with the statewide voter registration database?
4. How feasible is the voter identification requirement? That is, are there administrative or budgetary considerations or concerns? How easy or difficult will it be for pollworkers who must administer the requirement?
5. How cost effective is the voter ID system? That is, what are the monetary and non-monetary costs to the voter and to the state for implementing the ID system?
6. If voter ID requirements are shown to reduce voter turnout (generally, or with some particular groups), what possible steps should be taken to ameliorate this problem?

## **Recommendations and Next Steps**

As the Federal agency charged with informing election officials and the public about various issues related to the administration of elections EAC believes it should, in its capacity as a supporter of elections research, undertake additional study into the topic of voter identification requirements and the implementation of them in the following ways:

- Longitudinal studies of jurisdictions that have changed voter identification requirements.

- State-by-state and precinct-level analyses that will examine the correlations between various voter identification requirements and voter registration and turnout
- Alternative forms and methods for verifying a voter's identity.
- Continuing research into the connection between various voter identification requirements and the number of ballots cast and counted
- A continuing state-by-state update on changes to voter identification requirements.
- Continued collection of state-by-state data which will help examine the impact that voter identification requirements are having on the number of voters who are casting provisional ballots because of voter identification verification issues.

Appendix A: Summary of Voter Identification Requirements by State

Appendix B: Court Decisions and Literature on Voter Identification and Related Issue  
Court Decisions

Appendix C: Annotated Bibliography on Voter Identification Issues

DRAFT

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

### **Background**

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. HAVA Section 303 (b) mandates that first time voters who register by mail are required to show proof of identity before being allowed to cast a ballot. The law prescribes certain requirements concerning this section, but also leaves considerable discretion to the States for its implementation. The EAC sought to examine how these voter identification requirements were implemented in the 2004 general elections and to prepare guidance for the states on this topic.

In May 2005 EAC entered into a contract with the Eagleton Institute of Politics at Rutgers, the State University of New Jersey and the Moritz College of Law at the Ohio State University to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the contractor was to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and recommend various policies that could be applied to these approaches.

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

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

EAC finds this initial review of States' voter identification requirements, state laws and litigation surrounding the implementation of voter identification requirements an important beginning step in its consideration of voter identification requirements. From this study and compilation of data EAC considers it advisable to engage in a longer-term, systematic review of voter identification requirements and is recommending that at a minimum the agency engage on an ongoing basis in:

- A state-by-state review, reporting and tracking of voter identification requirements.
- A review and study of how voter identification requirements are implemented and how these practices may vary from state law and statute.

From this ongoing review and tracking EAC can determine the feasibility and advisability of further research and study into how voter identification requirements have had an impact over time on factors such as voter turnout and voter registration.

EAC believes that the findings from this initial study of voter identification requirements are helping inform additional studies it is conducting on a variety of related topics. The EAC study on first time voters who have registered to vote by mail and several forthcoming studies related to voter registration processes will provide necessary additional data to help inform discussions and debate related to ballot access and ballot security. The EAC also anticipates that follow-on study it does related to election crimes and various aspects of voting accessibility will also help inform and guide these ballot security and ballot access discussions.

Finally, EAC is likely to consider implementing one or more of the following research studies that will serve to augment the work begun by the Eagleton Institute of Politics:

- A study of how certain voter identification provisions that have been in place for two or more Federal elections have had an impact on voter turnout and voter registration figures;
- A research study which examines, in greater detail, the relationship between race and voter turnout, and race and methods for registering voters;
- Studies on the inter-relationship between various voter registration processes, voter turnout and number of election crimes reported or litigated;
- Publication of a series of case studies which detail a particular state's or jurisdiction's experiences with various voter identification and voter registration regimes;
- A policy paper or memorandum exploring the alternatives to current voter identification processes and regimes.

Karen Lynn-Dyson/EAC/GOV  
01/18/2007 06:19 PM

To Donetta L. Davidson/EAC/GOV@EAC, twilkey@eac.gov  
cc  
bcc

Subject Short introduction to the Eagleton Voter ID report

History

This message has been replied to

Chair-

Attached please find a draft of a very brief introduction that could accompany the Eagleton report on voter identification requirements.

I am out of the office for the next several days. However, when I return I will provide you with a list of possible questions the Commissioners may want to pose during the March public meeting.

Regards-



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

027281

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- A state-by-state review, reporting and tracking of voter identification requirements.
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1,21232

From this ongoing review and tracking EAC can determine the feasibility and advisability of further research and study into how voter identification requirements have had an impact over time on factors such as voter turnout and voter registration.

EAC believes that the findings from this initial study of voter identification requirements are helping inform additional studies it is conducting on a variety of related topics. The EAC study on first time voters who have registered to vote by mail and several forthcoming studies related to voter registration processes will provide necessary additional data to help inform discussions and debate related to ballot access and ballot security. The EAC also anticipates that follow-on study it does related to election crimes and various aspects of voting accessibility will also help inform and guide these ballot security and ballot access discussions.

Finally, EAC is likely to consider implementing one or more of the following research studies that will serve to augment the work begun by the Eagleton Institute of Politics:

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From this ongoing review and tracking EAC can determine the feasibility and advisability of further research and study into how voter identification requirements have had an impact over time on factors such as voter turnout and voter registration.

EAC believes that the findings from this initial study of voter identification requirements are helping inform additional studies it is conducting on a variety of related topics. The EAC study on first time voters who have registered to vote by mail and several forthcoming studies related to voter registration processes will provide necessary additional data to help inform discussions and debate related to ballot access and ballot security. The EAC also anticipates that follow-on study it does related to election crimes and various aspects of voting accessibility will also help inform and guide these ballot security and ballot access discussions.

Finally, EAC is likely to consider implementing one or more of the following research studies that will serve to augment the work begun by the Eagleton Institute of Politics:

- A study of how certain voter identification provisions that have been in place for two or more Federal elections have had an impact on voter turnout and voter registration figures;
- A research study which examines, in greater detail, the relationship between race and voter turnout, and race and methods for registering voters;
- Studies on the inter-relationship between various voter registration processes, voter turnout and number of election crimes reported or litigated;
- Publication of a series of case studies which detail a particular state's or jurisdiction's experiences with various voter identification and voter registration regimes.
- A policy paper or memorandum exploring the alternatives to current voter identification processes and regimes.

Karen Lynn-Dyson/EAC/GOV  
01/04/2007 04:27 PM

To Donetta L. Davidson/EAC/GOV@EAC, twilkey@eac.gov  
cc  
bcc

Subject Draft EAC report on Voter Identification

History

This message has been forwarded

Chair Davidson and Tom-

You may recall that during your last Commissioner's meeting you requested that a draft of the EAC Voter ID report be ready by January 5. Attached please find the first draft of such a report that I have prepared, based on the Eagleton Voter ID report and study.

There are several points in the document where I raise questions about the data or Eagleton's findings from their analysis. Certainly, before we would publish this report, we would need Eagleton to review it and to verify that we have accurately represented their findings and conclusions.

Hopefully, this is a first good step towards publishing something on voter identification. I look forward to your suggestions for next steps.



EAC Voter ID Report.doc

K

Karen Lynn-Dyson  
Research Director  
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## EAC Report on Voter Identification

### Executive Summary

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. HAVA Section 303 (b) mandates that first time voters who register by mail are required to show proof of identity before being allowed to cast a ballot. The law prescribes certain requirements concerning this section, but also leaves considerable discretion to the States for its implementation. The EAC sought to examine how these voter identification requirements were implemented in the 2004 general elections and to prepare guidance for the states on this topic.

In May 2005 EAC entered into a contract with the Eagleton Institute of Politics at Rutgers, the State University of New Jersey and the Moritz College of Law at the Ohio State University to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the contractor was to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and recommend various policies that could be applied to these approaches.

The contractor also performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Using two sets of data, aggregate turnout data at the county level for each state, and reports of individual voters collected in the November 2004 Current Population Survey conducted by the U.S. Census Bureau, the contractor found the overall relationship between the stringency of ID requirements and turnout to be fairly small, but statistically significant.

Based on The Eagleton Institute year-long inquiry into voter identification requirements EAC will implement one or more of the following recommendations:

- Further research into the connection between voter ID requirements and the number of ballots cast and counted;
- A state-by-state review of the impact that voter ID requirements are having on voter's participation;
- A state-by-state review of the relationship between ballot access and ballot security and the number of voters whose ballot is counted;
- A state-by-state review of time periods between voters casting of provisional ballots and the time allowed to return with an ID as well as a review of acceptable forms of identification other than photo ID.

## **Introduction**

This study was conducted at a time in which considerable attention is being paid to the issue of voter identification. Proponents of stricter identification requirements base their case on improving the security of the ballot by reducing opportunities for multiple voting or voting by those who are not eligible. The goal is to ensure that only those legally entitled to vote do so, and do so only once at each election. Opponents of stricter ID requirements seek to ensure broad access to a regular ballot. There is a fear that some voters -- racial and ethnic minorities, young and elderly voters-- lack convenient access to required ID documents, or that these voters may be fearful of submitting their ID documents for official scrutiny.

This report considers policy issues associated with the voter ID debate. It examines the relationships between voter ID requirements and voter turnout along with the various policy implications of the issue.

## **Methodology of the Study**

In May 2005, under contract with the EAC, the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at the Ohio State University undertook a review and legal analysis of state statutes, regulations and litigation concerning voter identification and provisional voting as well as a statistical analysis of the relationship of various requirements for voter identification to turnout in the 2004 election. The contract also included research and study related to provisional voting requirements. These research findings were submitted and reviewed by the EAC as a separate study.

The Eagleton Institute of Politics gathered information on the voter identification requirements in 50 states and the District of Columbia for 2004. Based on interpretations of state statutes and supplemental information provided through conversations with state election officials, state ID requirements were divided into five categories, with each category of identification more rigorous than the one preceding: stating name, signing name, signature match, presenting an ID, and the most rigorous, presenting a government photo ID. The Eagleton Institute also categorized and identified each state according to maximum and minimum identification requirements. Maximum requirements refer to the most that voters may be asked to do or show at the polling place. Minimum requirements refer to the most that voters can be required to do or show in order to cast a regular ballot. These definitions and the subsequent state-by-state analysis of voter identification requirements omitted those cases in which a particular voter's eligibility might be questioned using a state's voter ballot challenge process.

Two data sets were used to apply the criteria (variables) that were developed above: aggregate voter turnout data at the county level which was gathered from the EAC's 2004 Election Day Survey and; reports of individual voters collected through the November 2004 Current Population Survey administered by the U.S. Census Bureau. Use of EAC

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survey data and Census Bureau CPS data provided a way to cross-check the validity of the analysis and conclusions that would be drawn regarding the effect of voter ID requirements on voter turnout.

## **Study Oversight and Methodological Review**

A draft of the Eagleton Institute report and findings on voter identification requirements was critiqued by a peer review group convened by the Eagleton Institute. A second review of the study's research and statistical methodologies was conducted using a group of research and statistical experts independently convened by the EAC. Comments and insights of the peer review group members were taken into account in the drafting of a study report although there was not unanimous agreement among the individual reviewers regarding the study findings and recommendations.

### **The Eagleton Institute of Politics Peer Review Group**

R Michael Alvarez, California Institute of Technology  
John C. Harrison, University of Virginia School of Law  
Martha E. Kropf, University of Missouri-Kansas City  
Daniel H. Lowenstein, University of California at Los Angeles  
Timothy G. O'Rourke, Salisbury University  
Bradley Smith, Capital University Law School  
Tim Storey, National Conference of State Legislatures  
Peter G. Verniero, former Attorney General, State of New Jersey

### **The EAC Peer Review Group**

Jonathan Nagler, New York University  
Jan Leighley, University of Arizona  
Adam Berninsky, Massachusetts Institute of Technology

## **Summary of the Research**

### **Maximum and Minimum Voter Identification Requirements**

In order to analyze what, if any, correlation may exist between a State's voter identification requirements and voter turnout, the Eagleton Institute first coded a state according to how demanding its voter ID requirement was. The voter ID requirement, ranked from lowest to highest was as follows: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification and, providing a form of photo identification. Several possible caveats to this ranking system were noted. For all states which had photo identification requirements in 2004, voters

without a photo ID were permitted to cast a regular ballot after signing an affidavit regarding his or her identity and eligibility. These voters were also allowed to provide other forms of ID. The researchers also noted that while each state may be assigned to a category, that categorization may not reflect the actual practice related to voter identification that may or may not have taken place at many polling places.

Research performed for this study by the Moritz College of Law found that states had five different types of **maximum** identification requirements in place on Election Day 2004. For the purposes of this study a requirement that called for a signed affidavit or the provision of other forms of ID was considered the most rigorous or the “maximum” requirement. At the polling place voters were asked to:

- State his or her name (10 states)
- Sign his or her name (13 states and the District of Columbia)
- Sign his or her name, which would be matched to a signature on file (seven states)
- Provide a form of identification that did not necessarily include a photo (15 states)
- Provide a photo identification (five states)

Using the same criteria, but applying them as **minimum** rather than maximum criteria for voting the research showed: **(check this section- it doesn't really make sense)**

- State his or her name (12 states)
- Sign his or her name (14 states and the District of Columbia)
- Matching the voter's signature to the signature on file (6 states)
- Provide a non-photo identification (14 states)
- Swear by an affidavit (4 states)

The results of the research are summarized in Table 1.

Election laws in several states offer exceptions to these ID requirements if potential voters lack the necessary form of identification. Laws in these states set a minimum requirement that a voter may be required to satisfy in order to vote using a regular ballot. In 2004 none of the states required photo identification as a minimum standard for voting with a regular ballot. That is, voters who lacked photo ID were allowed to vote in all states, if he or she was able to meet another ID requirement.

### **The Relationship of Voter Identification Requirements to Voter Turnout**

A statistical analysis examining the variation in turnout rates based on the type of voter ID required by each state in the 2004 election was conducted using two sets of data: 1) aggregate turnout data at the county level for each state (compiled by the Eagleton Institute of Politics-**footnote about how they collected the data**) and 2) individual level survey data included in the November 2004 Current Population Survey (CPS), conducted by the U.S. Census Bureau.

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The analysis looked at the voter identification requirements as a continuous variable and as a series of discrete variables. As a continuous variable the maximum voter identification requirements were ranked according to how demanding they were judged to be, with photo identification considered to be the most demanding requirement (**what about affidavit?????**). Used as discrete variable, the statistical analysis considered stating the name as the least demanding ID requirement; the other ID requirements were then compared to that requirement.

### **Aggregate-level statistical analysis**

The statistical analysis performed by the Eagleton Institute of Politics found that when averaging across counties in each state, statewide turnout is negatively correlated to maximum voter identification requirements ( $r = -.30$ ,  $p$  less than .05). When a statistical analysis is performed on the other minimum voter ID requirements (with affidavit being the most demanding requirement), the correlation between voter identification and turnout is negative, but not statistically significant ( $r = -.20$ ,  $p = .16$ ). These findings would suggest that the relationship between turnout rates and minimum requirements may not be linear.

The aggregate data show that 60.9 percent of the estimated citizen voting age population voted in 2004. Taking into account the maximum requirements, an average of 64.6 percent of the voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. A similar trend was found when analyzing minimum ID requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their name, compared to 60.1 percent in states that required an affidavit from voters. This analysis showed there was not a clear, consistent linear relationship between turnout and minimum identification requirements.

**(insert table 2- Variation in 2004 State Turnout Based on Voter Identification Requirements)**

### **Multivariate models of analysis using aggregate-level data**

The Eagleton Institute of Politics performed an additional analysis that would estimate the effects of voter identification requirements, that took into account the electoral context in 2004 and, the demographic characteristics of the population in each county. The model also considers such variables as whether or not the county was 1) in a presidential battleground state, 2) if the county was in a state with a competitive race for government and/or the U.S. Senate, 3) the percentage of voting-age population in each county that was Hispanic or African-American 4) the percentage of county residents age 65 and older, 5) the percent of county residents below the poverty line, and 6) the number of days between each state's registration deadline and the election.

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The results of this statistical modeling and subsequent analysis indicated that the stricter voter ID requirements of matching a voter's signature to a signature on file or with presenting a non-photo identification are associated with lower voter turnout when compared to voter turnout in states that required voters to simply state his or her name. These conclusions were reached when variables 1-5 listed above were held constant.

Other results from the Eagleton Institute analysis of stricter voter identification requirements showed that:

- Increased voter turnout was associated with whether the county was in a battleground state or whether that state have a competitive race for governor and/or U.S.Senate.
- A slight negative effect on turnout was correlated with those state's with a longer time between the closing date for registration and the election.
- Voter turnout declined as the percentage of Hispanics in a county's population increased.
- Higher turnout (and a positive correlation) was associated with a higher percentage of senior citizens and household median income.
- The percentage of African-Americans in the county did not have a significant effect on turnout.

The Eagleton Institute analysis of minimum voter identification requirements showed that:

- A relationship between minimum voter ID requirements and turnout was not demonstrated.
- Battleground states and those with competitive state races had a significant and positive correlation to turnout.
- A higher percentage of senior citizens in the county and higher household median income were associated with higher turnout and showed a positive correlation to turnout.
- The percentage of Hispanics in the county was associated with reduced turnout.
- The increased number of days between the closing date for registration was associated with reduced turnout.

The analysis of these aggregate, county-level data showed a significant correlation, between maximum voter identification requirements (a signature match and non-photo

identification, but not a photo identification) and lower turnout in the 2004 election. This correlation was also significant when compared to the minimum voter ID requirement of the voter simply having to state his or her name.

### **Multivariate analysis using individual level turnout data**

This analysis which used November 2004 Current Population Survey data conducted by the U.S. Census Bureau is based on reports from self-described registered voters. Not included in the analysis are persons who said they are not registered to vote, those who said they cast absentee ballots and those who said they were not U.S. citizens. The CPS' Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents. **( why is the N is Table 3 54,973?)**

In addition to the five maximum voter identification requirements (enumerated on page XX) the analysis performed included other socioeconomic, demographic and political factors that could have influenced turnout in the 2004 election. These independent variables were analyzed against the dependent variable of whether or not the respondent said he or she voted in the November 2004 election.

In this analysis three of the voter identification requirements were shown to have a statistically significant correlation with whether or not the survey respondents said they have voted in 2004. Lower voter turnout was associated with:

- those states with maximum voter requirements to sign one's name,
- those states with maximum voter requirements to provide a non-photo ID or photo ID, or
- those states with the minimum voter requirement to swear by an affidavit in order to cast a ballot without the state-required identification

Increased voter turnout showed:

- A significant correlation with the competitiveness of the Presidential race **(explain)**.
- African-American voters were more likely than white or other voters to say they have voted.
- Income and marital status were positive predictors of voting **(high income or low income, single, married?)**,
- Women were more likely to say they voted than men.
- Those ages 45 to 64 and 65 and older were more likely to say they voted than those ages 18 to 24.
- Those who earned a high school diploma, attended some college, graduated from college or attended graduate school were more likely to say they have voted than those who had not finished high school.

## **Analysis of the predicted probability of voter turnout using the individual data**

Using this Census Bureau Current Population Survey data the Eagleton Institute of Politics performed an additional statistical analysis in which they calculated the effect of various independent variables on the probability that a respondent said he or she voted. This analysis, involving 54,973 voters cross-tabulated the maximum and minimum voter identification requirements in each state with the five levels of voting requirements: stating name, signing name, matching the signature, a non-photo ID, photo-ID signing an affidavit. The results of these **Predicted Probability of Voter Turnout for all Voter** tabulations are summarized in Table 3 below:

From this analysis, the Eagleton Institute of Politics found that three of the voter identification requirements (**which ones?**) exerted a statistically significant, negative effect on whether or not the CPS survey respondents said they had voted in 2004. That is, compared to states that require voters to only state their name, those states which require the voter to sign his or her name, to provide a non-photo ID, or to provide a photo ID as a maximum requirement, were shown to have a negative influence on turnout. Also, a negative influence on turnout was found when comparing those states that require voters to only state their name, as compared to those states which have as a minimum requirement for verifying voter ID, signing an affidavit.

This probability analysis also found that the competitiveness of the presidential race had a significant effect on turnout as well as some significant demographic and educational effects. For the entire voting population signature, non-photo identification and photo identification requirements were all associated with lower turnout rates compared to the requirements that voter simply state their names. The analysis further found that:

- The predicted probability that Hispanics would vote in states that required non-photo identification was about 10 percentage points lower than in states where Hispanic voters gave their names and that Hispanic voters were less likely to vote in states that required non-photo identification as opposed to only having to state one's name.
- Hispanic voters were 10 percent less likely to vote in non-photo identification states compared to states where voters only had to give their name. African American and Asian-American voters were about 6 percent less likely, while white voters were about 2 percent less likely.
- Asian-American voters were 8.5 percent less likely to vote in states that required non-photo identification compared to states that require voters to state their names under the maximum requirements, while they were 6.1

percent less likely to vote where non-photo identification was the minimum requirement.

- For those with less than a high school diploma, the probability of voting was 5.1 percent lower in states that required photo identification as the maximum requirement and 7 percent lower in those states that required an affidavit as the minimum requirement. These percentages were arrived at when comparing these states to ones that use as a minimum or maximum requirement, the voter to merely state his or her name.

### **Conclusions from the statistical analysis**

The statistical analysis found that as voter identification requirements vary, so do voter turnout rates. These findings were borne out through analyses conducted on aggregate data and individual-level data. There were, however, some distinctions found depending upon whether or not the state's particular voter identification requirements were set as minimums or maximums.

- The overall relationship between voter identification requirements and turnout for all registered voters was found to be small but statistically significant.
- Using the aggregate data the signature match and the non-photo identification requirement correlated with lower turnout. The photo identification requirement did not have a statistically significant effect.
- In the individual-level data the signature, no-photo identification and photo identification requirement were all correlated with lower turnout when compared to the requirements that voter simply state their names.
- Across various demographic groups (African-Americans, Asian-Americans and Hispanics) a statistically significant relationship was found between the non-photo identification requirement and voter turnout

### **Caveats to the Analysis**

The Eagleton Institute for Politics and the EAC make note that while this analysis is a good beginning, significant questions remain regarding the relationship between voter identification requirements and turnout. These analyses are unable, for example, to capture how or why identification requirements might lower turnout. That is, is it because voters are aware of the identification requirements and stay away from the polls because of them? Alternatively, do the requirements result in some voters being turned away when they cannot provide the identification, or must cast a provisional ballot?

Knowing more about the “on the ground” experience of voters regarding various identification requirements will guide state and local level policy makers in their efforts to educate voters about the requirements. These experiences could also help instruct election judges on how to handle questions and possible disputes over voter identification requirements.

## **Public Policy and Administrative Considerations**

Voter Identification, often described as the critical step in protecting the integrity of the ballot, is a process which can ensure that the potential voter is eligible and, if eligible, is permitted to cast one ballot. A voting system that requires voters to produce an identification document or documents may prevent the ineligible from voting, but also may prevent the eligible from casting a ballot.

Evaluating the effect of different voter identification regimes can be most effective when based on clear legal, equitable and practical standards. The questions outlined below might point policymakers to standards that can be created around voter identification requirements.

1. Is the voter ID system designed on the basis of valid and reliable empirical studies the will address concerns regarding certain types of voting fraud?
2. Does the voter ID requirement comply with the letter and spirit of the Voting Rights Act?
3. How effective is the voter ID requirement on increasing the security of the ballot and can it be coordinated with the statewide voter registration database?
4. How feasible is the voter identification requirement? That is, are there administrative or budgetary considerations or concerns? How easy or difficult will it be for pollworkers who must administer the requirement?
5. How cost effective is the voter ID system? That is, what are the monetary and non-monetary costs to the voter and to the state for implementing the ID system?
6. If voter ID requirements are shown to reduce voter turnout (generally, or with some particular groups), what possible steps should be taken to ameliorate this problem?

## **Recommendations and Next Steps**

As the Federal agency charged with informing election officials and the public about various issues related to the administration of elections EAC believes it should, in its capacity as a supporter of elections research, undertake additional study into the topic of voter identification requirements and the implementation of them in the following ways:

- Longitudinal studies of jurisdictions that have changed voter identification requirements.

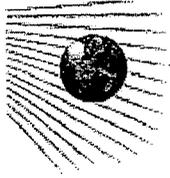
- State-by-state and precinct-level analyses that will examine the correlations between various voter identification requirements and voter registration and turnout
- Alternative forms and methods for verifying a voter's identity.
- Continuing research into the connection between various voter identification requirements and the number of ballots cast and counted
- A continuing state-by-state update on changes to voter identification requirements.
- Continued collection of state-by-state data which will help examine the impact that voter identification requirements are having on the number of voters who are casting provisional ballots because of voter identification verification issues.

Appendix A: Summary of Voter Identification Requirements by State

Appendix B: Court Decisions and Literature on Voter Identification and Related Issue Court Decisions

Appendix C: Annotated Bibliography on Voter Identification Issues

DRAFT



Paul DeGregorio/EAC/GOV  
01/11/2007 10:02 AM

To Donetta L. Davidson/EAC/GOV@EAC  
cc Thomas R. Wilkey/EAC/GOV  
bcc  
Subject Re: Draft EAC report on Voter Identification 

As you can see, I did not get Karen's email on this (and neither did Julie or Gracia). You may want to have Tom share this with them.

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

**From:** Donetta L. Davidson  
**Sent:** 01/11/2007 09:32 AM  
**To:** Paul DeGregorio; Matthew Masterson  
**Subject:** Fw: Draft EAC report on Voter Identification

Please print for Paul to take on the trip  
----- Forwarded by Donetta L. Davidson/EAC/GOV on 01/11/2007 09:30 AM -----

Karen Lynn-Dyson/EAC/GOV

01/04/2007 04:27 PM

To Donetta L. Davidson/EAC/GOV@EAC, twilkey@eac.gov  
cc  
Subject Draft EAC report on Voter Identification

Chair Davidson and Tom-

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Hopefully, this is a first good step towards publishing something on voter identification. I look forward to your suggestions for next steps.

[attachment "EAC Voter ID Report.doc" deleted by Paul DeGregorio/EAC/GOV]

K

Karen Lynn-Dyson  
Research Director  
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1225 New York Avenue, NW Suite 1100  
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027297

tel:202-566-3123



Gavin S. Gilmour/EAC/GOV

10/20/2006 05:13 PM

To Edgardo Cortes/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, Brian

cc

bcc

Subject Supreme Court Order on AZ issue

All,

FYI

Below please find a link to the supreme court's decision in the AZ matter. The decision overturns the Ninth Circuit's interlocutory injunction of proposition 200... the decision does not discuss the merits of the case. The court was very insistent on this point:

*"We underscore that we express no opinion here on the correct disposition, after full briefing and argument, of the appeals from the District Court's September 11 order or on the ultimate resolution of these cases. As we have noted, the facts in these cases are hotly contested, and "[n]o bright line separates permissible election-related regulation from unconstitutional infringements." Timmons v. Twin Cities Area New Party, 520 U. S. 351, 359 (1997). Given the imminence of the election and the inadequate time to resolve the factual disputes, our action today shall of necessity allow the election to proceed without an injunction suspending the voter identification rules."*

The message is ready to be sent with the following file or link attachments:  
Shortcut to: <http://www.supremecourtus.gov/opinions/06pdf/06A375.pdf>

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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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