

**Special Law Clerk, Judge Jay Finch, Nineteenth Judicial Circuit West, Division 3, 203 East Central, Bentonville, AR 72712**

Supervisor: Judge Jay Finch, 479.271.1020  
Hours per week: varied Dates of employment: December 1998-  
January 1999

Job duties: research and writing, attendance at hearings,  
drafting of the opinion

## **BAR**

### **ADMISSIONS:**

#### FEDERAL

- U.S. Supreme Court
- U.S. Court of Appeals for the following circuits:  
First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth,  
Ninth, Tenth, D.C., and Federal
- U.S. Court of Appeals for the Armed Forces
- U.S. Court of Federal Claims
- U.S. Court of International Trade

#### STATE

- Supreme Court of Oklahoma (1991)
- Supreme Court of Nebraska (1992)
- Supreme Court of Arkansas (1994)

#### LEGAL

#### ASSOCIATIONS

- Oklahoma Bar Association
- Nebraska Bar Association
- Arkansas Bar Association
- Inter-American Bar Association

## **BAR**

### **ACTIVITIES:**

**Chairman/Founder, Appellate Practice Committee, Arkansas Bar Association, Little Rock, Arkansas, 1993-1996**

**Member, Drafting Committee, Appeals in Arkansas, Arkansas Bar Association, Little Rock, Arkansas, 1996**

**PUBLICATION:**

- "Arkansas Appellate Motion Practice" in *Handling Appeals in Arkansas*, Arkansas Bar Association, 1996

**LEGISLATIVE**

**EXPERIENCE:**

**Senior consultant, AfricaGlobal, Inc., Washington, D.C., March 2001-December 2003**

- Advised on African political and economic affairs
- Served as a liaison for the company in a sugar development/refinery project in the Caprivi region of Namibia and interacted with the Office of the Namibian President and National Assembly
- Retained by the Namibian government and AfricaGlobal to draft a sugar act

**Legislative Adviser to the Speaker of the Namibian National Assembly, the Director of the Namibian Election Commission, and the Vice Chancellor of the University of Namibia, January 2000-June 2002**

- Reviewed Namibian Election Code and drafted memorandum with recommended improvements
- Drafted national legislation merging the independent agricultural college into the University of Namibia system
- Drafted national legislation guaranteeing voting rights to agricultural workers

**Registered Election Expert with the United Nations, IFES, and the Electoral Institute of Southern Africa, 2002-present**  
**Consultant to various members of the Arkansas General Assembly, Little Rock, Arkansas, 1994-1999**

- Advised on constitutionality of proposed legislation
- Drafted legislation

**Consultant to the Arkansas Court of Appeals Redistricting Commission, Little Rock, Arkansas, 1996-1998**

- Drafted five redistricting bills and maps for the constitutionally required redistricting of the Court of Appeals

**Member of the Committee on Department of Corrections, Murphy Commission - Restructure of Arkansas Government, Little Rock, Arkansas, 1996-1997**

- Reviewed the existing structure of the state Department of Corrections
- Advised on how to streamline the department

**ADMINISTRATIVE & QUASI-JUDICIAL  
EXPERIENCE:**

**Commissioner, Little Rock Historic District Commission, Little Rock, Arkansas, 2005-2008**

- Enforce city regulations regarding alteration to structures in the Little Rock Historic District
- Sit as an administrative tribunal for approval of petitions under the Historic Design Guidelines

**Member, Board of Directors of the Arkansas Historic Museum, Little Rock, Arkansas, 2005-2006**

- Approve museum operations and budget
- Attend museum functions and fund raisers

**Director of International Development, Louisiana State University, 107 Hatcher Hall, Baton Rouge, Louisiana 70803**

Supervisor: Dr. Stephen Lucas, 225. 578.6801

Hours per week: 40+ Dates of employment: February 2000-August 2003

Job duties:

- Interacted with U.S. and state government agencies, NGOs, foreign governments and universities, and other LSU departments and officials
  - Worked with the Louisiana congressional delegation to get a \$12.5 million international project funded in fiscal years 2002 and 2003
  - Drafted a proposal for the president of the Louisiana Chemical Association and U.S. Senator John Breaux on building a regional system to neutralize transuranic waste from nuclear power plants
- Developed, drafted, wrote grants for, and administered international research, training, education, and consulting projects, especially those dealing with democratization issues
- Drafted and negotiated international contractual agreements for research and faculty and student exchange with universities and research centers

- Hired and supervised staff
- Drafted office budget, project budgets, and strategic plans
- Reorganized and expanded the role of the Office of International Development
- Advised the Office of International Programs and individual units on improving public relations; consulted on PR strategies

**Chairman, Committee for the Revision of the Arkansas Constitution, State Political Party of Arkansas, Little Rock, Arkansas, 1995-1996**

- Headed committee comprised of state legislators, attorneys, business people, and an appellate judge to review the proposed state Constitution and make recommendations

**Member, Washington County Board of Election Commissioners, Fayetteville, Arkansas**

No supervisor                      Dates: 1990-1996

**Job duties:**

- Enforced election laws within the county
- Drafted administrative regulations for the commission
- Supervised the training of poll workers
- Evaluated various voting systems and purchased an optical scan system to be used countywide
- Prepared and defended annual budgets before the Washington County Quorum Court
- Sat as a member of an administrative tribunal
- Hired and supervised staff

**EDUCATION:**

- **Graduate Certificate, Election Governance, Griffith University, Queensland, Australia (2003)**
- **Master of Law, University of Arkansas School of Law, 204 Waterman Hall, Fayetteville, Arkansas 72701 (1993) Mini Thesis: "Water Rights in Indian Country"**
- **Juris Doctorate, Washburn University School of Law, 1700 College Ave., Topeka, Kansas 66621 (1984)**
- **Bachelor of Arts in History, Rutgers University, Administrative Services Bldg., 65 Davidson Road, Bush Campus, Piscataway, New Jersey 08854-8096 (1980)**

**REFERENCES:**

Judge Morris Arnold  
U.S. Court of Appeals  
for the Eighth Circuit  
P.O. Box 2060  
Little Rock, AR 72203-2060  
501.324.6880

Judge Lavenski Smith  
U.S. Court of Appeals  
for the Eighth Circuit  
425 West Capitol, Ste. 3110  
Little Rock, AR 72203  
501.324.7310

Brenda Turner  
Chief of Staff  
Office of the Governor  
State Capitol Building, Suite 250  
Little Rock, AR 72201  
501.682.3608

Judge Herb Ashby  
Former judge, Second Appellate District, Division 5  
2691 Baywater Place  
Thousand Oaks, CA 91362  
805.493.8205

Judge Jay Finch  
Nineteenth Judicial  
Circuit West, Division 3  
203 East Central  
Bentonville, AR 72712  
479.271.1020

Karen Lynn-Dyson/EAC/GOV

To Amie J. Sherrill/EAC/GOV@EAC

10/18/2005 04:38 PM

cc

bcc Adam Ambrogi/EAC/GOV

Subject Fw: Requested Documents

Aimee-

In case you couldn't open up the document which describes Job's elections background

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

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 10/17/2005 04:36 PM —



"Job Serebrov"  
<serebrov@sbcglobal.net>  
08/19/2005 04:14 PM

To klyndyson@eac.gov  
cc

Subject Re: Requested Documents

Karen:

I enjoyed the discussion too. I really think that this project will be of national importance and can positively affect elections administration while providing an answer to the handling of the vote fraud problem for the future.

On another note, why don't you leave an evening free while I am there for dinner. I am trying to bring my wife along. If you can bring your husband it could make for an interesting evening.

Regards,

Job

Summary of Election Activities of Job Serebrov

Background to Election Problems in Arkansas

Ever since Reconstruction, Arkansas has had a history of election problems. The election fraud that gave rise to the Brooks-Baxter War in Arkansas in the 1870s involved people from both sides of the aisle voting more than once, the dead rising to cast a ballot or two, destroying ballots, creating ballots and making ballot boxes disappear. A strong one-party system

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perpetuated this tradition into modern times.

In 1995, I met with Arkansas Supreme Court Justice Tom Glaze to discuss voting issues and my efforts to clean up the electoral process. Although supportive, Justice Glaze encouraged me to proceed with caution. Before being elected to the Supreme Court, Justice Glaze had been employed in the 1960s by Gov. Win Rockefeller to clean up ballot fraud throughout Arkansas. He was nearly disbarred in the process by those involved in ballot fraud in a small, rural county.

Shortly after my discussion with Justice Glaze, I discovered how pervasive the election problems were in the state. For instance, ballot boxes were stuffed or disappeared into the night only to return altered. Contrary to state law, county sheriffs running in contested elections maintained custody of the ballot boxes. In one instance, 20 voted ballot boxes were found in the attic of a sheriff's deputy after he died.

Attorney (1991-2004)

In my private practice as an attorney, I represented numerous clients in county election contests throughout Arkansas. I also represented clients in matters before the Federal Election Commission. I have never lost an election case. Finally, I was hired as a consultant to a major nonprofit legal organization to review and summarize the 2002 amendments to federal election laws and apply the new law to 10 scenarios.

Member, Washington County Board of Election Commissioners, Fayetteville, Arkansas (1990-1996)

This board consisted of three commissioners; I was the lone Republican. We were charged with supervising the training of poll workers, evaluating voting systems and then purchasing an optical scan system to be used countywide, preparing and justifying our annual budget before the Washington County Quorum Court, hiring and supervising staff and sitting as an administrative tribunal.

When I first came on the board, Washington County was primarily a one-party county and the Democrats were used to running elections according to tradition rather than the law. I had to battle with the two Democrats on the board to enforce election laws within the county. As I started to force the issue in the courts, the Republican Party gained strength. Four years later and after outlasting eight Democrat commissioners, I was able to work with new Democrat commissioners who recognized the need to enforce the law. At this point, the commission requested that I draft administrative regulations for the board. These remain in place today.

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Founder, President, General Counsel; Arkansans for Fair Elections (1994-1999)

In 1994, Gov. Mike Huckabee (R), then a candidate for lieutenant governor, asked me to serve as his general counsel for ballot fraud protection. Thinking it best to act independently of any candidate, I formed Arkansans for Fair Elections. I served as the organization's president and, later, general counsel. This group launched a statewide educational campaign to train poll watchers to recognize irregular or fraudulent electoral procedures; this included the creation of literature and a video. Our extensive public relations campaign brought media attention to the issue. We also organized a statewide team of citizen poll watchers and attorneys to ensure that the election laws were fairly enforced. We were so successful in the lieutenant governor's race that Arkansans for Fair Elections was asked to continue the effort until 1999 when I moved to Louisiana.

General Counsel - Ballot Fraud Protection Committee, Republican Party of Arkansas (1995-1999)

In late 1995, Asa Hutchinson, chairman of the Republican Party of Arkansas, appointed me as general counsel for the newly formed Ballot Fraud Protection Committee of the state party. I retained this position until 1999. I was responsible for coordinating statewide enforcement efforts and directing a legal team to respond to problematic situations prior to and on election day.

(Through my role with Arkansans for Fair Elections and the Ballot Fraud Protection Committee, I successfully sued or negotiated a settlement in more than two-thirds of the 75 counties in Arkansas over electoral irregularities.)

Legal Consultant to Republican Members of the Arkansas General Assembly (1994-1996)

Republicans in the General Assembly requested that I review and draft suggested changes to Arkansas election law. Based on my personal experience as an election commissioner and as an election attorney, I identified a number of areas of concern and drafted new statutes modeled on the best examples that I could find from other states. My proposal was not passed by the Democrat-controlled General Assembly as a package, however, several of its components were passed into law.

Consultant to the Arkansas Court of Appeals Redistricting Commission (1996-1999)

I drafted five redistricting bills and maps for the

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constitutionally required redistricting of the Arkansas Court of Appeals. These bills were based on current U.S. Supreme Court precedent regarding gerrymandering. I had to present each bill and give supporting testimony to the commission.

Director of International Development - Louisiana State University, Baton Rouge, Louisiana (2000-2003)

Part of my duties as director was to develop international cooperative projects. The theme of several of these proposals was democratization. In each case, I required review of the national election code of the country involved.

My activities in Namibia led to a request by the director of the Namibian Election Commission, Joram Rukambe and the Speaker of the Namibian National Assembly, Dr. Mose Tjitendero to review and suggest changes to the Namibian election code. This review took three months and resulted in proposed alterations a number of code sections. These suggestions were considered by the Namibian National Assembly and a number were incorporated into the code revisions. Additionally, I drafted legislation for the Speaker to guarantee voting rights to agricultural workers that were being denied by the owners of the farms. This legislation also was passed into law.

During this time, I was qualified as an election expert and placed on an election consultant list by the United Nations, IFES and the Electoral Institute of Southern Africa.

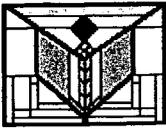
#### Related Memberships

- Republican Party of Arkansas (1990-1999)
  - Benton County, Arkansas, Republican Committee (1996-1999)
  - Washington County, Arkansas, Republican Committee (1990-1996)
- (When we moved to Louisiana in 1999, the party was in such turmoil that it was difficult to get involved. This past year, I have been prohibited by the Hatch Act from participating in partisan politics. This prohibition ends August 19 when my judicial clerkship ends.)

#### Related Education

- Graduate certificate in electoral governance, Griffith University, Queensland, Australia (2003)

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Adam Ambrogi/EAC/GOV  
10/18/2005 05:15 PM

To Raymundo Martinez/EAC/GOV@EAC  
cc  
bcc  
Subject Serebov credentials.

(The files are now in the right format. Let me know if you want Karen to send this.)

Hans:

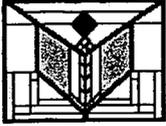
Attached are both Resume, and the Summary of Election Activities for Job Serebov, one of our contractors for the Voter Fraud/Voter Intimidation project. The work that Mr. Serebov has done on behalf of voter fraud and integrity projects in Arkansas are detailed in the Summary of Election Activities.



Serebov ResumeReg.doc Serebov Summary of Election Activities.doc  
RM

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

02883<sup>A</sup>



Adam Ambrogi/EAC/GOV

10/18/2005 06:02 PM

To hans.von.spakovsky@usdoj.gov

cc

bcc

Subject Serebov credentials.

Dear Hans:

As per Cmsr. Martinez's instructions, attached are both the Resume, and the Summary of Election Activities for Job Serebov, one of our contractors for the Voter Fraud/Voter Intimidation project. The work that Mr. Serebov has done on behalf of voter fraud and integrity projects in Arkansas are detailed in the Summary of Election Activities document.

Please call if you need additional information.

Very truly yours,  
Adam Ambrogi



Serebov ResumeReg.doc



Serebov Summary of Election Activities.doc

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

028832

Karen Lynn-Dyson/EAC/GOV

11/14/2005 05:35 PM

To Paul DeGregorio/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Donetta L. Amie J. Sherrill/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Elieen L. Collver/EAC/GOV@EAC, Bert A.  
bcc

Subject Fw: October Progress Report

FYI-

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

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 11/13/2005 05:32 PM —



"Tom O'Neill"

11/14/2005 05:27 PM

To klynndyson@eac.gov

cc tokaji.1@osu.edu, foley.33@osu.edu, lauracw@columbus.rr.com, Vincelli@rutgers.edu, arapp@rci.rutgers.edu, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, ireed@rutgers.edu, joharris@eden.rutgers.edu, john.weingart@rutgers.edu, rmandel@rci.rutgers.edu, "Johanna Dobrich" <jdobrich@eden.rutgers.edu>

Subject FW: October Progress Report

Tom O'Neill

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

**From:** Tom O'Neill [mailto:tom\_oneill@verizon.net]

**Sent:** Monday, November 14, 2005 5:26 PM

**To:** klynndyson@eac.gov

**Cc:** Vincelli@rutgers.edu; arapp@rci.rutgers.edu; davander@eden.rutgers.edu; dlinky@rci.rutgers.edu; ireed@rutgers.edu; joharris@eden.rutgers.edu; john.weingart@rutgers.edu; rmandel@rci.rutgers.edu; 'Johanna Dobrich'; tokaji.1@osu.edu; foley.33@osu.edu; lauracw@columbus.rr.com

**Subject:** October Progress Report

Karen,

028830

Attached is the Progress Report for October. Please note that this report includes an attachment showing how our study classifies each state on key variables, such as counting out-of-precinct ballots, requirements for ballot evaluation, and other variables. It also displays how the data we used differs for some states for the vote counts reported by the Election Day Survey. We believe that our data is more accurate and complete (see for example the data for New Mexico and Pennsylvania).

I look forward to responding to any questions or concerns you or others at the EAC may have.

Tom O'Neill



OctoberFinal.doc

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# EAGLETON INSTITUTE OF POLITICS

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*Contract to Provide Research Assistance to the EAC For  
the Development of Voluntary Guidance on Provisional  
Voting and Voter Identification Procedures*

## MONTHLY PROGRESS REPORT October 2005

For  
**UNITED STATES ELECTION ASSISTANCE COMMISSION**  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005

November 15, 2005

**Prepared by:**  
Eagleton Institute of Politics  
Rutgers, The State University of New Jersey  
191 Ryders Lane  
New Brunswick, NJ 08901-8557

02883E

**Deliberative Process  
Privilege**

## OUTLINE

- Introduction
- Provisional Voting
  - Task 3.5
- Voter Identification Requirements
  - Task 3.10
  - Task 3.11
- Project Management
  - Task 3.1
- Financial Report

## INTRODUCTION

This report describes our progress from October 1 through October 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

In October we focused on finalizing our Provisional Voting analysis paper, including the development of recommendations to the EAC for a draft guidance document and best practices. These policy prescriptions are based on our research and the comments of the Peer Review Group. We completed a careful review of our data to reconcile it with other sources and identify the latest, most reliable information to use in the analysis. (See the attachment to this Progress Report for the details.) The importance of this demanding effort was described in September's Progress Report.

Also in October we revised the schedule for the project in light of the additional time that has been needed for review of earlier drafts by the EAC and the late completion of the Election Day Study. We will seek a meeting with the EAC in the next several weeks to confer about the schedule to complete the project and alternative approaches that could speed the conclusion of our work.

We will submit to the EAC a final draft of our report, a preliminary guidance document, and draft best practices before Thanksgiving. We project that EAC will take 3 to 4 weeks to review and react to that final draft. And we understand that after its review, the EAC will decide if it should move towards issuing a Guidance Document or recommending best practices. If the EAC does decide to issue a Guidance Document on Provisional Voting, the time needed for a review by the advisory boards is likely to delay a public hearing until early February.

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This report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to tom\_oneill@verizon.net or by telephone at (908) 794-1030.

## PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed in August, Tasks 3.5 and 3.6 are nearing completion.

**Task 3.5: Analysis and Alternative Approaches. Assess the potential, problems, and challenges of Provisional Voting and develop alternative means to achieve the goals of Provisional Voting.**

## LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It has provided a base of understanding for the analysis of states' actual experience with Provisional Voting in 2004, for which the Eagleton team has lead responsibility.

**Description:** The Moritz team has created a 50-state chart to summarize information on Provisional Voting, compiled statutes, case law and administrative procedures regarding Provisional Voting and has completed this research.

**Progress:** We have completed the memorandum outlining Provisional Voting legislative changes since the 2004 election and we are continuing to clarify the laws prior to these changes.

**Challenges:** The variety in the form and frequency of Provisional Voting legislation from state to state makes creating a snap-shot view across states a challenge.

**Work Plan:** The final analysis will be sent to the EAC by Thanksgiving.

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## PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with Provisional Voting in 2004. The report findings from the survey of 400 local election officials are now complete. The survey results have proven to be instrumental in shaping our understanding of actual practice in administering Provisional Voting, including the steps local officials took to prepare for the election.

### PROVISIONAL VOTING NARRATIVES

**Description:** To construct the narratives, a researcher examined newspaper accounts, state websites, and reports from third-party organizations to gather information on the experience with Provisional Voting in the 2004 election. To organize the information derived from this examination, we created an information system that catalogues information about the states (i.e. whether a state was new to Provisional Voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combined it with Moritz's collection and analysis of statutes, regulations and litigation.

**Progress:** We completed a state-by-state narrative of developments in Provisional Voting and distributed it to the EAC and the PRG. This work has been helpful in understanding the context of the data collected on provisional voting from the states.

**Challenges:** The primary obstacle to constructing the narratives was difficulty in communicating and obtaining necessary information from various state officials. As a result, the narratives underwent several revisions to incorporate up-to-date and reliable information. Now that so many other analyses, including the Election Day Survey, have been released, we were challenged by different interpretations of the same basic facts. But the reconciliation of interpretation and data collection has been invaluable in establishing rigor in our report.

**Work Plan:** We completed revisions of the narratives incorporating comments from the PRG and addressing any discrepancies between our findings and other interpretations of similar information included in other studies.

### PROVISIONAL VOTING STATISTICAL ANALYSIS

**Description:** During October the Eagleton research team continued to check its statistical analysis, and worked to reconcile the classifications of this analysis (such as states counting only those provisional ballots cast within the proper precinct versus states that counted ballots cast within the proper county) with the classification made in other parts of this study or in other studies (such as the Election Day Study or *Electionline* reports).

**Progress:** The effort to double check all of the classifications used in the study is complete. The results of this effort are displayed in the attachment to this progress report, "Characteristics of the Provisional Voting Process -- Classification of the States,"

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beginning on page 9. Only Delaware and Arkansas remain unclear in regard to one of the measures, and both states have been contacted to receive clarification in this area.

**Challenges:** The difficulties encountered have been a result of communication delays and time constraints. Some states have been more responsive to our inquiries about their practices than others. Overall, this is not an irresolvable problem but it does slow the process of completion down.

**Work Plan:** By early-November the final revision of the statistical analysis, which includes full reconciliation of all data within the study, will be complete. The reconciliation of data is displayed in the attachment to this progress report.

### **SURVEY OF COUNTY ELECTION OFFICIALS**

**Description:** The Eagleton Center for Public Interest Polling (CPIP) conducted a national survey of county election officials to measure several aspects of Provisional Voting.

**Progress:** The analysis of the survey results and findings report is complete. As a result of the critique by the PRG, the research team is revising and clarifying the descriptions of the survey design and sample selection process to make the research methods more transparent.

**Work Plan:** We used the information from the survey in drafting the analysis and alternatives document required under Task 3.5. We will include necessary clarifications regarding survey design and sample selection in the final analysis and alternatives document.

<p><b>Task 3.6: Prepare preliminary draft guidance document.</b></p>
--

The report and recommendations now nearing completion constitutes the draft preliminary guidance document. Based on our conversation with the EAC, the draft gives the EAC the option of proceeding with a guidance document or issuing recommendations to the state for best practices, recommendations that would not constitute voluntary guidance. Before proceeding to Task 3.7 (revise the guidance document for publication) or 3.8 (arrange a public hearing on the draft guidance), we will await the EAC's decision on how to proceed.

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## VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of Provisional Voting, and is becoming the principal focus of our research.

### Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

**Description:** The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

**Progress:** The 50 State (plus the District of Columbia) chart has been completed, the voter identification statutes have been collected for all states and D.C., and summaries of the existing voter identification statutes have been written for all states and D.C.

**Challenges:** Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

**Work Plan:** Analysis of voter identification data has begun and will increasingly become the central focus of our work.

### SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

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## VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

**Description:** We have created a database and gathered statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election

**Progress:** The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. We have also used exit poll data collected on Election Day 2004 as a resource for understanding the demographics of voter turnout.

**Challenges:** The analysis of these data had been postponed until the data reconciliation of Provisional Voting is complete. As a result of the extensive revision and data reconciliation efforts aimed at the Provisional Voting section of our work VID had been temporarily placed on hold. We are now beginning data analysis on the impact of voter identification requirements on voter turnout.

**Work Plan:** The analysis of the impact that voter identification requirements have upon voter turnout should be completed by early December. Early January is our target to deliver the draft report and outline of alternative policies to the Peer Review Group. In mid January, the EAC would receive a draft report and recommendations that take into account the comments of the PRG.

## **PROJECT MANAGEMENT**

### PEER REVIEW GROUP

**Description:** A feature of our proposal was the creation of a Peer Review Group (PRG). It reviews our research and methodology and provides valuable feedback and suggestions for the direction of our work.

**Progress:** Eagleton has stayed in touch with members of the Peer Review Group since the September 21<sup>st</sup> conference call, and has solicited their final comments on the Provisional Voting research. During October, we telephoned two members who did not participate in the conference call to confirm their commitment to serving as members of the Peer Review Group. Profess Guy Charles affirmed his interest. Professor Pamela Karlan did not return the call. The revisions in the schedule for the project have now made it possible to begin the process of scheduling a meeting of the PRG to consider our draft report and recommendations on Voter Identification Issues. We anticipate that meeting will take place the second week of January.

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**Challenges:** No new challenges were encountered during October.

### COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

### INFORMATION SYSTEM

**Description:** The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding Provisional Voting and voter identification.

**Progress:** At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. We have reorganized our system by separating final drafts from earlier versions of documents, discarding dated files contained in the Information System, and updating the system as a whole. Upon their completion, new documents continue to be added.

**Projections:** The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

### INTRANET

**Description:** All project team members have signed on to the Intranet site, and regularly post drafts, completed materials and spreadsheets online for internal review. The Intranet facilitates the exchange of information and collaboration among project participants.

### FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project October 1- October 31, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer at the EAC.

028842

## ATTACHMENT TO OCTOBER PROGRESS REPORT

### **Characteristics of the Provisional Voting Process**

#### **Classification of the States**

Our research on provisional voting divided the various states into several categories to allow an assessment of how different factors may have influenced the process of casting and counting provisional ballots. This analysis was conducted before the release of the Election Day Study, and the categories we used may differ in some respects from its work. The categories analyzed here are:

1. New vs. Old (states that used a provisional ballot before the 2004 election)
2. Use of a statewide database of registered voters vs. no use of a statewide database
3. Counting out-of-precinct ballots vs. not counting out-of-precinct ballots
4. Voter identification requirements
5. Method used to verify provisional ballots
6. Levels of provisional ballots cast and counted

We first assigned states within these categories based on classifications done by Electionline.org in its studies. The Electionline data was the only published information available at the time of our research. We reviewed the Electionline data carefully, and, in select cases, updated it with new, detailed information that had become available after its publication. The changes we made are explained below.

Please note that:

--Idaho, Maine, Minnesota, New Hampshire, Wisconsin and Wyoming were excluded from our analysis. They have election-day registration systems, and did not need to use HAVA-compliant provisional ballots.

--North Dakota does not register voters, so it also was excluded from HAVA requirements and did not use provisional voting.

--Mississippi has not reported its provisional voting results and could not be included in our analysis, though it was compliant in 2004.

--Pennsylvania did not report its totals for the Election Day Study, but we obtained information on Pennsylvania and did include it in our analysis.

028840

## New vs. Old States

We classified states as “new” or “old” based on the 2001 Electionline study of provisional voting<sup>1</sup> and condensing its classifications into a single dichotomous variable, new/old with all other cases excluded. The Electionline study divided states into five categories of their use of provisional ballots in the 2000 election:

1. Use of provisional ballots (P)
2. Limited use of provisional ballots (LP)
3. Affidavit ballots (A)
4. No system in place (N)
5. Unnecessary/Not Applicable (U/NA)

We collapsed all of the states listed as using provisional ballots, limited use of provisional ballots or affidavit ballots as “old” states, because the states in all three categories would have been familiar with key aspects of provisional voting.. States that had no provisional voting system in place for the 2002 election, and were HAVA compliant in 2004, were listed as “new” states, as 2004 would have been the first year in which they would be offering the option of provisional voting. States that were listed as unnecessary or not applicable were excluded from this study, as they were exempt from the HAVA regulations in 2004 because they either allowed same-day registration or did not register voters.

Rhode Island is the only state categorized as an old state by Electionline that we moved into the list of new states. Electionline’s map shows Rhode Island as a state that used provisional voting in 2000, but in the state description, it is listed as having no system in place. We learned from the Rhode Island Board of Elections that the state had previously permitted potential voters to sign an affidavit if they did not appear on a precinct’s list of registered voters, but felt they were registered to vote. Based on the signed affidavit, the election official would then contact a county official to see if the voter was on a more complete registration list. If the voter’s name was on the complete list, that voter was permitted to cast a regular ballot. As this process did not grant the voter a provisional ballot, but served as a different type of administrative failsafe, we concluded that Rhode Island’s first use of provisional voting was in 2004 and, therefore, classified the state as “new” to the system of provisional balloting.

---

<sup>1</sup> This study can be found at: <http://electionline.org/Portals/1/Publications/Provisional%20Voting.pdf>.

<b>Table 1 CATEGORIZATION OF STATES -- Old vs New</b>		
<b>Old States</b>	<b>New States</b>	<b>HAVA Exempt or NA</b>
Alaska	Connecticut	Idaho
Alabama	Delaware	Maine
Arkansas	Georgia	Minnesota
California	Hawaii	New Hampshire
Colorado	Illinois	North Dakota
DC	Indiana	Wisconsin
Florida	Louisiana	Wyoming
Iowa	Massachusetts	
Kansas	Missouri	
Kentucky	Montana	
Maryland	Nevada	
Michigan	Oklahoma	
Mississippi	Pennsylvania	
Nebraska	Rhode Island	
New Jersey	South Dakota	
New Mexico	Tennessee	
New York	Utah	
North Carolina	Vermont	
Ohio		
Oregon		
South Carolina		
Texas		
Virginia		
Washington		
West Virginia		
<b>26</b>	<b>18</b>	<b>7</b>

Statewide List of Registered Voters

The Electionline preview of the 2004 Election<sup>2</sup> was the starting point for compiling a list of states that had a statewide database of registered voters. That study listed 34 States that did not have their statewide database systems complete, and 16 that did, including the District of Columbia. North Dakota does not register voters, so does not need to compile such a database. Electionline’s criterion for concluding that a state had a statewide list was that the state have participation from all jurisdictions in a statewide system. We added Oklahoma to the list of states with statewide databases

<sup>2</sup> “Election Preview 2004: What’s changed, What Hasn’t and Why”. This study can be found at: <http://electionline.org/Portals/1/Publications/Election.preview.2004.report.final.update.pdf>

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because we found they had met the Electionline criteria by the 2004 election, albeit too late for inclusion in the Electionline survey.

<b>Table 2 CATEGORIZATION OF STATES -- Statewide Registration Database</b>			
<b>Had Database 2004</b>	<b>No Database A-N</b>	<b>No Database N-W</b>	<b>HAVA Exempt or NA</b>
Alaska	Alabama	Ohio	Idaho
Arizona	Arkansas	Oregon	Maine
Connecticut	California	Pennsylvania	Mississippi
Delaware	Colorado	Rhode Island	Minnesota
District of Columbia	Florida	Tennessee	New Hampshire
Georgia	Iowa	Texas	North Dakota
Hawaii	Illinois	Utah	Wisconsin
Kentucky	Indiana	Vermont	Wyoming
Louisiana	Kansas	Virginia	
Massachusetts	Maryland	Washington	
Michigan	Missouri		
New Mexico	Montana		
Oklahoma	Nebraska		
South Carolina	Nevada		
South Dakota	New Jersey		
West Virginia	New York		
	North Carolina		
<b>16</b>	<b>27</b>		<b>8</b>

Minnesota has a statewide database but was excluded from the analysis because it did not offer provisional ballots and was exempt from the HAVA requirements.

#### Out-of-Precinct Ballots

We based our classification of states that allow the counting of ballots cast outside the correct precinct on the data in the 2004 Electionline preview of the 2004 election<sup>2</sup>. States that evaluated ballots cast in a precinct where the voter was not registered were categorized as “out-of-precinct.” States that invalidated such ballots were categorized as “In-precinct only.”

028846



**Table 4****CATEGORIZATION OF STATES -- Forms of Identification Required**

*States in italics are exempt from HAVA or did not report Provisional Ballot data and are not included in the analysis.*

<b>Give Name</b>	<b>Sign Name</b>	<b>Match Signature</b>	<b>Provide ID</b>	<b>Photo ID</b>
<i>Maine</i>	California	Illinois	Alabama	Florida
Massachusetts	DC	Nevada	Alaska	Hawaii
<i>New Hampshire</i>	<i>Idaho</i>	New Jersey	Arizona	Louisiana
North Carolina	Indiana	New York	Arkansas	South Carolina
Rhode Island	Iowa	Ohio	Colorado	South Dakota
Utah	Kansas	Oregon	Connecticut	
Vermont	Maryland	Pennsylvania	Delaware	
<i>Wisconsin</i>	Michigan	West Virginia	Georgia	
<i>Wyoming</i>	Minnesota		Kentucky	
	<i>Mississippi</i>		Missouri	
	Nebraska		Montana	
	New Mexico		<i>North Dakota</i>	
	Oklahoma		Tennessee	
	Washington		Texas	
			Virginia	
<b>9</b>	<b>14</b>	<b>8</b>	<b>15</b>	<b>5</b>

South Dakota complicates the effort to assign each state to a category. It permits voters to sign an affidavit that would allow them to vote without presenting photo ID. While Hawaii did not normally require photo ID, its statutes gave challenged voters the opportunity to respond by producing a photo ID.

#### Verification Method

We identified four different ways states assessed provisional ballots to determine if they should be counted: signature match, match voter data, signed affidavits, and bringing back identification later. We gathered information about these verification techniques by checking state websites and consulting journalistic accounts. We consulted state legislation to provide further information where needed.

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**Table 5****CATEGORIZATION OF STATES -- Ballot Evaluation Methods**

*States in italics are exempt from HAVA or did not report Provisional Ballot data and are not included in the analysis.*

<b>Signature Match</b>	<b>Data Match</b>	<b>Affidavit</b>	<b>Return with ID</b>	<b>NA</b>
Alaska	Alabama	Connecticut	Indiana	Idaho
California	Arizona	Delaware	Iowa	Maine
Florida	Arkansas	Georgia	Kansas	Mississippi
Oregon	Colorado	Hawaii	Maryland	Minnesota
	DC	Illinois	Michigan	New Hampshire
	Louisiana	Kentucky	Montana	N. Carolina
	Missouri	Massachusetts	New Jersey	N. Dakota
	Ohio	Nebraska	New Mexico	Wisconsin
	Oklahoma	Nevada	Texas	Wyoming
	Pennsylvania	New York	Utah	
	Rhode Island	South Dakota		
	S. Carolina	Tennessee		
	Washington	Vermont		
	West Virginia	Virginia		
4	14	14	10	9

**Data Collection**

To assemble our data for analysis, we began by using the data on provisional votes cast and counted reported by Electionline. To increase the accuracy of this data, we surveyed each state's election websites for updated data, and for reported numbers on the county level. We then sent emails to 49 (we excluded Alaska, see below) states and the District of Columbia, requesting updated data on the number of provisional votes cast and counted by county. We received information from 25 states by our cut-off date of August 25, 2005.

\* North Carolina lacked clear standards to evaluate provisional ballots and is excluded from this analysis.

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<b>Table 6</b>	
<b>Updated information by State</b>	
<b>Received Updated Data</b>	<b>Did Not Receive Updated Data</b>
California	Alabama
District of Columbia	Alaska <sup>5</sup>
Florida	Arizona
Hawaii	Arkansas
Indiana	Colorado
Iowa	Connecticut
Kansas	Delaware
Louisiana	Georgia
Maryland <sup>6</sup>	Idaho
Missouri	Illinois
Montana	Kentucky
Nebraska <sup>7</sup>	Maine
Nevada	Massachusetts
New Jersey	Michigan
New Mexico	Minnesota
Ohio	Mississippi
Oklahoma	New Hampshire
Oregon	New York
Pennsylvania	North Carolina
Rhode Island	North Dakota
South Dakota	South Carolina
Tennessee	Utah
Texas	Vermont
Virginia	Wisconsin
Washington	Wyoming
West Virginia	
<b>26 States</b>	<b>25 States</b>

<sup>5</sup> Alaska was not contacted via email, as the state does not have voting districts comparable to counties in other states and could not be matched with comparable census data.

<sup>6</sup> Maryland reported provisional ballots that were counted per county, but not number cast.

<sup>7</sup> Nebraska reported an incomplete list of provisional ballots cast and counted by county, but designated counties by number, rather than by name.

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## Data Differences with Election Day Study

The data used in this study differs from the data reported in the Election Day Study for 19 states. The Election Day Study was not completed until well after our statistical analysis of provisional voting was finished, on the schedule laid out in our work plan. Where there are differences, they are typically very small, usually fewer than 100 votes either cast or counted. Of the 9 states that have differences of more than 100 votes cast or counted, 7 have reported their numbers directly to us and can be considered updated data that EDS had not obtained. For one of those states, New Mexico, EDS had incomplete data, and for another, Pennsylvania, EDS had no data at all. The data that we have collected reflects updated numbers from the states that have changed following recounts and litigation that altered how ballots were evaluated.

State	EDS Numbers Cast/Counted	Our Numbers Cast/Counted	Differences	Updated Info from State?
Alabama	6,478/1,865	6560/1836	82/29	No
Alaska	23,285/22,498	23,275/22,498	10/0	No
Colorado	51,529/39,086	51,477/39,163	52/77	No
Georgia	12,893/4,489	12,893/3,839	0/650	No
Hawaii	346/25	348/25	2/0	Yes
Iowa	15,406/8,038	15,454/8,048	48/10	Yes
Kansas	45,535/32,079	45,563/31,805	28/274	Yes
Montana	688/378	653/357	35/21	Yes
Nebraska	17,421/13,788	17,003/13,298	418/490	Yes
Nevada	6,153/2,446	6,154/2,447	1/1	Yes
New Mexico	6,410/2,914	15,360/8,767	8,950/5,853	Yes
N. Carolina	77,469/50,370	77,469/42,348	0/8,022	No
Ohio	157,714/123,902	158,642/123,548	928/354	Yes
Pennsylvania	No data	53,698/26,092	N/A	Yes
Texas	35,282/7,156	36,193/7,770	911/614	Yes
Vermont	121/30	101/37	20/7	No
Virginia	4,608/728	4,609/728	1/0	Yes
Washington	92,402/73,806	86,239/69,273	6,163/4,533	Yes
Wisconsin	374/119	373/120	1/1	No

028851

Karen Lynn-Dyson/EAC/GOV

11/15/2005 11:23 AM

To Juliet E. Thompson/EAC/GOV@EAC, Adam  
Ambrogil/EAC/GOV@EAC

cc

bcc

Subject Fw: Provisional Voting Report Status and Request for Advice

FYI-

Perhaps we can discuss in the next day or so.

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 11/14/2005 11:22 AM -----

Karen Lynn-Dyson/EAC/GOV

11/15/2005 11:22 AM

To john.weingart@rutgers.edu

cc "Ruth Mandel" <rmandel@rci.rutgers.edu>, "Tom O'Neill"  
<Tom\_Oneill@verizon.net>

Subject Re: Provisional Voting Report Status and Request for Advice  


John-

Many thanks for getting this draft document to us.

Over the next day or so I will spend time with key EAC staff reviewing the document and considering your questions. As you may recall, Commissioner Martinez has taken a prominent role in the review of your initial work and I am certain he will continue to do so. Sadly, the Commissioner lost his mother two weeks ago and, consequently, will not return to the office until next week.

It is likely that EAC staff will not be able to give you a definitive answer on some of your questions until the Monday after Thanksgiving. I will, however, try to answer some of the administrative questions before that time.

Regards-

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

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



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

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11/15/2005 10:53 AM

Please respond to  
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>, "Ruth Mandel"  
<rmandel@rci.rutgers.edu>

cc

Subject Provisional Voting Report Status and Request for Advice

Karen - We would like to talk with you about the process and schedule for completing our work in a way that is most useful to the EAC. I am attaching a draft timeline for the completion of this work and listing below five specific questions we need to resolve as quickly as possible. I would appreciate it if you would call me to discuss how best to address these matters - whether by telephone or by coming to meet in Washington.

We are planning to submit our report on Provisional Voting to the EAC by November 18<sup>th</sup>. Although it is not required in our contract, we will at the same time give copies to the members of the Peer Review Group offering them the opportunity to send us any additional corrections or other comments.

We are considering making all our recommendations for both Provisional Voting and Voter ID in the form of Best Practices. Some of them might well lend themselves to Guidance, but our discussion of the earlier draft with the EAC left us with the clear impression that on this topic the preference was for recommendations for Best Practices rather than a Guidance document. The calendar also argues for the Best Practices route to enable the EAC to give states advice they can use in 2006. (The attached draft timeline would need to be revised if the EAC prefers to propose some of the recommendations as Guidance.)

QUESTIONS:

1. Does the EAC agree with the approach described above to make all recommendations in the form of Best Practices rather than Guidance?
2. How long will it take the EAC to review and return comments on our draft Provisional Voting document? Is our attached revised schedule realistic in anticipating EAC comments no later than the week of December 12<sup>th</sup> on the report we send you at the end of this week?
3. After we revise our report on Provisional Voting to reflect any comments we receive from the EAC, and follow a similar process for our report on Voter Identification, what further steps would the Commission like us to take? Would you want us to conduct a review with your Board of Advisors and/or hold public hearings even though these steps are, we understand, required only for a Guidance Document? A review by the Board of Advisors would offer the opportunity to solicit suggestions for Best Practices from its members, thus strengthening the document and building a constituency for their adoption. (The attached draft timeline does not include such additional reviews.)
4. In any case, we will need a no-cost extension to the contract to carry us past December 31<sup>st</sup>. How do we make that request?
5. Assuming that we conduct fewer public hearings than we had anticipated, can we reallocate funds we had budgeted for that purpose to cover the higher than anticipated personnel and consultant costs we will be incurring after the first of the year?

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We look forward to discussing these matters with you.

Thanks, John

--

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



KeyDatesRev1110.doc

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**DRAFT FOR DISCUSSION**

**REVISED SCHEDULE FOR EAC PROJECT**

**November 2005 – February 2006**

November 10, 2005

Assumes no guidance document, only analysis and recommended best practices

<b>DATE</b>	<b>Project Management</b>	<b>Provisional Voting</b>	<b>Voter ID</b>
<b>Week of 10/31</b>		Review draft report to EAC (Team)  Submit comments on report (Team)	Voter ID Research to TV
<b>Week of 11/7</b>	Status reports to JD for October tasks (all)	Redraft report (TON)  Review and approve report (Team)  Final draft report (TON)	Research continues (TV)
<b>Week of 11/14</b>	Submit monthly progress report (JD)	<b>Submit report to EAC for review</b> and to PRG for information Discuss with EAC use of Board of Advisors to expand "best practices." (TON, JW)  EAC reviews report	Research continues (TV)
<b>Week of 11/21</b>		EAC review continues	Complete data collection for Voter ID analysis. (TV)
<b>Week of 11/28</b>		EAC review continues	Draft report on Voter ID analysis (TV)

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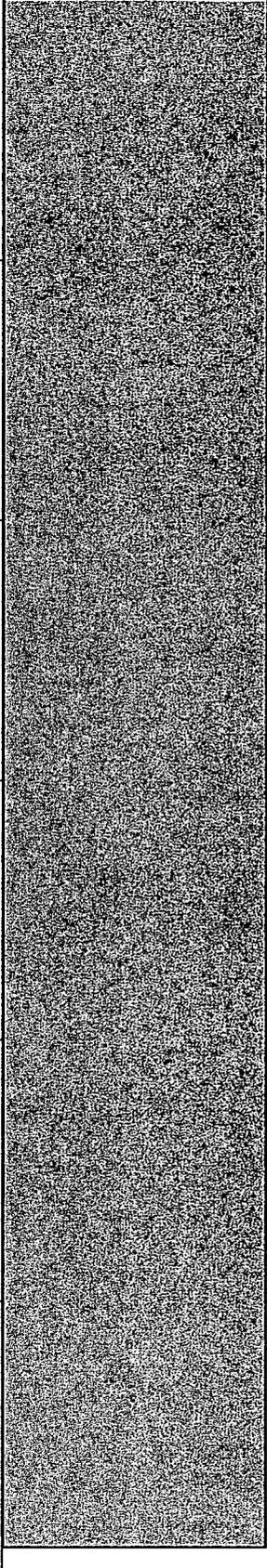
**DRAFT FOR DISCUSSION**

<b>Week of 12/5</b>	Status reports to JD for November tasks (all)	EAC review continues	Internal review (PT)
<b>Week of 12/12</b>	Submit monthly progress report (JD)	Receive EAC comments on report  Revise and PT review	Revise draft (TV)  Draft alternatives (TON)  Review and comment on alternatives (PT)
<b>Week of 12/19</b>		<b>Finalize analysis and best practices to EAC for publication<sup>1</sup></b>	Complete draft report and alternatives (TV, TON)
<b>Week of 12/26</b>			Review draft report and alternatives (PT)
<b>Week of 1/2/06</b>	Status reports to JD for December tasks (all)		<b>Report and alternatives to PRG</b>
<b>Week of 1/9/06</b>			PRG meets and comments  Revise (TV & TON)

<sup>1</sup> If the EAC chooses not to issue a Guidance Document on provisional voting but only to recommend "best practices," the register publication, hearing and comment period may not be required, which would shorten the process by at least 30 days.

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**DRAFT FOR DISCUSSION**

<p><b>Week of 1/16/06</b></p>	<p>Submit monthly progress report (JD)</p>		<p><b>Submit draft report, alternatives and compendium to EAC</b></p> <p>EAC reviews</p>
<p><b>Week of 1/23/06</b></p>			<p>EAC review continues</p>
<p><b>Week of 1/30/06</b></p>			<p>Comments from EAC</p> <p>Revise (TV &amp; TON)</p>
<p><b>Week of 2/6/06</b></p>	<p>Status reports to JD for January tasks (all)</p>		<p>Review and approve revised report and recommendations for best practices (PT)</p>
<p><b>Week of 2/13/06</b></p>	<p>Submit monthly progress report (JD)</p>		<p><b>Submit report and best practices to EAC</b></p>
<p><b>Week of 2/20/06</b></p>	<p>FINAL status reports to JD for all tasks (all)</p> <p>Final project and fiscal report to EAC</p> <p><b>PROJECT ENDS</b></p>		

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Margaret Sims /EAC/GOV  
11/16/2005 01:12 PM

To ghillman@eac.gov, pdegregorio@eac.gov,  
rmartinez@eac.gov, donetta.davidson@sos.state.co.us  
cc Sheila A. Banks/EAC/GOV@EAC, Amie J.  
Sherrill/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC,  
Elieen L. Collver/EAC/GOV@EAC, Gavin S.  
bcc  
Subject RESPONSE REQUESTED-Working Group for Voting Fraud  
and Voter Intimidation Project

Dear Commissioners:

The consultants' contracts for EAC's voting fraud and voter intimidation project require Tova Wang and Job Serebrov to work in consultation with EAC staff and the Commissioners "to identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation". The contracts do not specify the number of working group members but, as EAC has to pay for the group's travel and we want the size of the group to be manageable, I recommend that we limit the number to 6 or 8. **Please let me know if you think that this limit is too conservative .**

Attached for your review and comment are two lists of potential working group members for this project. One list was submitted by Job, the other by Tova. Tova and Job have provided brief summaries of each candidate's relevant experience and have placed asterisks next to the names of the individuals whom they particularly recommend. I can provide more extensive biographies of these individuals, if you need them. If EAC agrees that the recommended working group members are acceptable, an equal number may be selected from each list in order to maintain a balanced perspective.

Absent from the attached lists is the name of a representative from the U.S. Department of Justice's Election Crimes Branch. At this time, I am working through the DOJ bureaucracy to determine to what degree Craig Donsanto will be permitted to participate. If he cannot be named as a working group member, we may still be able to use him as a resource.

**Please provide your feedback to me no later than Monday , November 28.** I am available to meet with you if you would like to discuss this matter further.

Peggy Sims  
Research Specialist



Possible Working Group Members -Serebrov.doc Possible Working Group Members- Wang.doc

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## Possible Working Group Members - Serebrov

I recommend the first four with an \*

\***Mark (Thor) Hearne II**-Counsel to Republican National Committee; National Counsel to American Center for Voting Rights; National election counsel to Bush-Cheney, '04; Testified before U.S. House Administration Committee hearings into conduct of Ohio presidential election; Academic Advisor to Commission on Federal Election Reform (Baker-Carter Commission).

\***Todd Rokita**-Secretary of State, Indiana; Secretary Rokita strives to reform Indiana's election practices to ensure Indiana's elections are as fair, accurate and accessible as possible; Secretary Rokita serves on the nine-member Executive Board of the Election Assistance Commission Standards Board, charged by federal law to address election reform issues.

\***Patrick J. Rogers**-Partner/Shareholder, Modrall, Sperling, Roehl, Harris and Sisk, P.A., Albuquerque, New Mexico; 1991-2003 General Counsel to the New Mexico Republican Party; Election cases: *The Coalition to Expose Ballot Deception, et al v. Judy N. Chavez, et al*; Second Judicial District Court of Bernalillo County, New Mexico (2005); represented plaintiffs challenging petition procedures; *Miguel Gomez v. Ken Sanchez and Judy Chaves*; Second Judicial District Court of Bernalillo County, New Mexico (2005); residency challenge; *Moises Griego, et al v. Rebecca Vigil-Giron v. Ralph Nader and Peter Miguel Camejo*, Supreme Court for the State of New Mexico (2004); represented Ralph Nader and Peter Camejo, ballot access issues; *Larry Larrañaga, et al v. Mary E. Herrera and Rebecca Vigil-Giron*, Supreme Court of New Mexico (2004); voter identification and fraudulent registration issues; *Decker, et al v. Kunko, et al*; District Court of Chaves County, New Mexico (2004); voter identification and fraudulent registration issues; *Kunko, et al v. Decker, et al*; Supreme Court of New Mexico (2004); voter identification and fraudulent registration issues; *In the Matter of the Security of Ballots Cast in Bernalillo County in the 2000 General Election*; Second Judicial District Court of Bernalillo County, New Mexico (2000); voting and counting irregularities and fraud.

\***David A. Norcross**- Partner, Blank Rome LLP, Trenton NJ, Washington D.C; Chairman, New Jersey Republican State Committee, 1977 – 1981; General Counsel, Republican National Committee, 1993 – 1997; General Counsel, International Republican Institute; Counsel, The Center for Democracy; Vice Chairman, Commission on Presidential Debates; Executive Director, New Jersey Election Law Enforcement Commission

**Benjamin L. Ginsberg**-Served as national counsel to the Bush-Cheney presidential campaign; He played a central role in the 2000 Florida recount; He also represents the campaigns and leadership PACs of numerous members of the Senate and House, as well as the Republican National Committee, National Republican Senatorial Committee and

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Deliberative Process  
Privilege

National Republican Congressional Committee; His expertise is more in campaign finance.

**Cleta Mitchell**-Partner in the Washington, D.C. office of Foley & Lardner LLP; She advises corporations, nonprofit organizations, candidates, campaigns, and individuals on state and federal election and campaign finance law, and compliance issues related to lobbying, ethics and financial disclosure; Ms. Mitchell practices before the Federal Election Commission and similar federal and state enforcement agencies; Her expertise is more in campaign finance law.

**Mark Braden**-Of counsel at Baker & Hostetler; He concentrates his work principally on election law and governmental affairs, including work with Congress, the Federal Election Commission, state campaign finance agencies, public integrity issues, political broadcast regulation, contests, recounts, the Voting Rights Act, initiatives, referendums and redistricting; His expertise is mainly outside of the voter fraud area.

To: Peggy Sims  
From: Tova Wang  
Re: Working Group Recommendations  
Date: November 12, 2005

\*Wendy R. Weiser, Associate Counsel in the Democracy Program at the Brennan Center for Justice at NYU School of Law and an expert in federal and constitutional law, has done a great deal of research, writing, speaking, and litigating on voting rights and election law issues. As part of the Brennan Center's wide ranging activities in the area of democracy, Ms. Weiser is currently overseeing an analysis and investigation of recent allegations of voter fraud throughout the country.

\*Barbara Arnwine is Executive Director of the Lawyers Committee for Civil Rights Under Law, an organization that for four decades has been at the forefront of the legal struggle to secure racial justice and equal access to the electoral process for all voters. Notably, Ms. Arnwine and the organization have led the Election Protection program for the last several years, a nationwide grassroots education and legal effort deploying thousands of volunteers and using a nationally recognized voter hotline to protect voters' rights on election day.

\*Daniel Tokaji, professor and associate director of the Election Law Center at the Moritz College of Law at the Ohio State University, is one of the nation's foremost experts in election law and reform and ensuring equality in the voting system. Professor Tokaji frequently writes and speaks on democracy related issues at academic and practitioner conferences, on such issues as voting technology, fraud, registration, and identification requirements, as well as the interplay between the election administration practices and voting rights laws.

Donna Brazile is Chair of the Democratic National Committee's Voting Rights Institute, the Democratic Party's major initiative to promote and protect the right to vote created in response to the irregularities of the 2000 election, and former Campaign Manager for Gore-Lieberman 2000 (the first African American to lead a major presidential campaign.) Brazile is a weekly contributor and political commentator on CNN's Inside Politics and American Morning, a columnist for Roll Call Newspaper and a contributing writer for Ms. Magazine.

Wade Henderson is the Executive Director of the Leadership Conference on Civil Rights (LCCR) and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), an organization at the forefront of defending voting rights for the last fifty years. Prior to his role with the Leadership Conference, Mr. Henderson was the Washington Bureau Director of the National Association for the Advancement of Colored People (NAACP)

Robert Bauer is the Chair of the Political Law Practice at the law firm of Perkins Coie, National Counsel for Voter Protection, Democratic National Committee, Counsel to the Democratic Senatorial and Congressional Campaign Committees and Co-Author, Report

028861

**Deliberative Process  
Privilege**

of Counsel to the Senate Rules and Administration Committee in the Matter of the United States Senate Seat from Louisiana in the 105<sup>th</sup> Congress of the United States, (March 27, 1997). He is the author of *United States Federal Election Law*, and one of the foremost attorneys in the country in the area of federal/state campaign finance and election laws.

Laughlin McDonald has been the executive director of the Southern Regional Office of the ACLU since 1972 and as the Director of the ACLU Voting Rights Project, McDonald has played a leading role eradicating discriminatory election practices and protecting the gains in political participation won by racial minorities since passage of the 1965 federal Voting Rights Act. During the past two decades, McDonald has broken new ground by expanding ACLU voting rights cases to include representation of Native Americans in various western states, and written innumerable publications on voting rights issues.

Joseph E. Sandler is a member of the firm of Sandler, Reiff & Young, P.C., in Washington, D.C., concentrating in campaign finance and election law matters, and general counsel to the Democratic National Committee. As an attorney he has handled campaign finance and election law matters for Democratic national and state party organizations, Members of Congress, candidates and campaigns. He served as general co-counsel of the Association of State Democratic Chairs, as general counsel for the Democratic Governors' Association and as counsel to several state Democratic parties.

Cathy Cox is serving her second term as Georgia's Secretary of State, having first been elected in 1998. In 2002 she earned re-election with over 61 percent of the vote, winning 146 out of 159 counties. Because of Secretary Cox's efforts Georgia has become a national leader in election reform. Her initiative made Georgia the first state in America to deploy a modern, uniform electronic voting system in every county

Karen Lynn-Dyson/EAC/GOV  
11/17/2005 09:53 AM

To john.weingart@rutgers.edu  
cc  
bcc Adam Ambrogi/EAC/GOV  
Subject Re: Provisional Voting Report Status and Request for Advice  


John-

We'll try and get you an answer on some of these by tomorrow.

Regards-

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

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



"John Weingart"  
<john.weingart@rutgers.edu>  
11/15/2005 10:53 AM

Please respond to  
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>, "Ruth Mandel"  
<rmandel@rci.rutgers.edu>  
cc "Tom O'Neill" <Tom\_Oneill@verizon.net>  
Subject Provisional Voting Report Status and Request for Advice

Karen - We would like to talk with you about the process and schedule for completing our work in a way that is most useful to the EAC. I am attaching a draft timeline for the completion of this work and listing below five specific questions we need to resolve as quickly as possible. I would appreciate it if you would call me to discuss how best to address these matters - whether by telephone or by coming to meet in Washington.

We are planning to submit our report on Provisional Voting to the EAC by November 18<sup>th</sup>. Although it is not required in our contract, we will at the same time give copies to the members of the Peer Review Group offering them the opportunity to send us any additional corrections or other comments.

We are considering making all our recommendations for both Provisional Voting and Voter ID in the form of Best Practices. Some of them might well lend themselves to Guidance, but our discussion of the earlier draft with the EAC left us with the clear impression that on this topic the preference was for recommendations for Best Practices rather than a Guidance document. The calendar also argues for the Best Practices route to enable the EAC to give states advice they can use in 2006. (The attached draft timeline would need to be revised if the EAC prefers to propose some of the recommendations as Guidance.)

028863

QUESTIONS:

1. Does the EAC agree with the approach described above to make all recommendations in the form of Best Practices rather than Guidance?
2. How long will it take the EAC to review and return comments on our draft Provisional Voting document? Is our attached revised schedule realistic in anticipating EAC comments no later than the week of December 12<sup>th</sup> on the report we send you at the end of this week?
3. After we revise our report on Provisional Voting to reflect any comments we receive from the EAC, and follow a similar process for our report on Voter Identification, what further steps would the Commission like us to take? Would you want us to conduct a review with your Board of Advisors and/or hold public hearings even though these steps are, we understand, required only for a Guidance Document? A review by the Board of Advisors would offer the opportunity to solicit suggestions for Best Practices from its members, thus strengthening the document and building a constituency for their adoption. (The attached draft timeline does not include such additional reviews.)
4. In any case, we will need a no-cost extension to the contract to carry us past December 31<sup>st</sup> . How do we make that request?
5. Assuming that we conduct fewer public hearings than we had anticipated, can we reallocate funds we had budgeted for that purpose to cover the higher than anticipated personnel and consultant costs we will be incurring after the first of the year?

We look forward to discussing these matters with you.

Thanks, John

--

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



KeyDatesRev1110.doc

028864

Karen Lynn-Dyson/EAC/GOV

To Juliet E. Thompson/EAC/GOV@EAC, Adam  
Ambrogi/EAC/GOV@EAC

12/07/2005 11:59 AM

cc

bcc

Subject Something to look forward to— or life after the VVSG

Hey-

I've had a chance to take a close look at the Eagleton Best Practices document.

I find it very confusing ( to say the least) and think it is a very long way from a Best Practices document we would want to or could use for our constituency.

Look forward to you all's thoughts and insights about next steps.

K

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

028865

Karen Lynn-Dyson/EAC/GOV

12/13/2005 01:41 PM

To Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Elieen L. Collver/EAC/GOV@EAC

cc

bcc

Subject Fw: November's Progress Report

Eagleton's latest monthly report for your Commissioner's review.

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

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 12/12/2005 01:39 PM —



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

12/13/2005 12:29 PM

To klyndyson@eac.gov

cc "tim.vercellotti@rutgers.edu" <tim.vercellotti@rutgers.edu>, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, ireed@rutgers.edu, joharris@eden.rutgers.edu, john.weingart@rutgers.edu, tokaji.1@osu.edu, foley.33@osu.edu, lauracw@columbus.rr.com, tom\_oneill@verizon.net

Subject November's Progress Report

Dear Ms. Karen Lynn-Dyson:

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

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

Sincerely,

Johanna Dobrich

--

Johanna Dobrich  
jdobrich@eden.rutgers.edu



ProgressReport\_NOVEMBER 2005\_Eagleton Institute of Politics.doc

028866



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**EAGLETON INSTITUTE OF POLITICS**

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*Contract to Provide Research Assistance to the EAC For  
the Development of Voluntary Guidance on Provisional  
Voting and Voter Identification Procedures*

**MONTHLY PROGRESS REPORT**  
**November 2005**

**For**  
**UNITED STATES ELECTION ASSISTANCE COMMISSION**  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005

December 15, 2005

**Prepared by:**  
Eagleton Institute of Politics  
Rutgers, The State University of New Jersey  
191 Ryders Lane  
New Brunswick, NJ 08901-8557

028867

**Deliberative Process  
Privilege**

## OUTLINE

- Introduction
- Provisional Voting
  - Task 3.7
  - Task 3.8
- Voter Identification Requirements
  - Task 3.10
  - Task 3.11
- Project Management
  - Task 3.1
- Financial Report

## INTRODUCTION

This report describes our progress from November 1 through November 30, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

In November we completed and submitted our Provisional Voting analysis paper, including recommendations to the EAC for best practices. These policy prescriptions are based on our research and the comments of the Peer Review Group on that research. We completed a careful review of our data to reconcile it with other sources and identify the latest, most reliable information to use in the analysis. The importance of this demanding effort was described in October's Progress Report. We continue to await the EAC's comments on that final draft.

Also in November we revised the schedule for the project in light of the additional time that has been needed for review of earlier drafts by the EAC and the late completion of the Election Day Study. We made a written request to the EAC for a no-cost extension of the contract through the end of February which we understand is likely to be approved before Christmas.

Since the submission of our Provisional Voting report to the EAC on November 28, 2005, our efforts have been entirely aimed at the completion of the voter identification research. We have been advised that EAC will take several weeks to review and react to our final draft on provisional voting. As we await a January meeting on that topic, we are moving ahead

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quickly on the statistical analysis of voter identification data and summarizing the legal research that was completed earlier.

This Monthly Progress Report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to [tom\\_oneill@verizon.net](mailto:tom_oneill@verizon.net) or by telephone at (908) 794-1030.

### **PROVISIONAL VOTING**

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Task 3.4 was completed in August, and Tasks 3.5 and 3.6 were completed in November.

#### **Task 3.6: Prepare preliminary draft guidance document.**

The report and recommendations which were sent to the EAC on November 28, 2005 recommends against the adoption of a guidance document per se and advises that the EAC adopt its recommendations as best practices. That recommendation followed agreement by the EAC with that course of action. The submission of that report and recommendations, however, constitutes the document required under this task. Before proceeding to Task 3.7 (revise the guidance document for publication) or 3.8 (arrange a public hearing on the draft guidance), we await the EAC's decision on how to proceed.

## VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of Provisional Voting, and is the principal focus of our research at this time.

### Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

**Description:** The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

**Progress:** The 50 state (plus District of Columbia) chart has been completed, the voter identification statutes have been collected for all states and D.C., and summaries of the existing voter identification statutes have been written for all states and D.C. Moritz has completed its review of voter identification litigation. Moritz and Eagleton have worked together to review the research, clarify the categorization of that research on our charts, and reconcile the data developed in our two different research techniques categorizations.

**Challenges:** The biggest challenge facing the reconciliation process of research findings, descriptions and categorizations is that it is being done by two different teams (Moritz and Eagleton) who rely on different primary source materials. Despite the necessity this has created to reconcile conflicting data from time to time, the collaboration has also been very beneficial because it has made our research efforts more rigorous.

**Work Plan:** During December we will conclude our reconciliation and continue analysis of voter identification research, including an analysis of the most important issues and trends in voter identification litigation.

### SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

028870

During the month of November, we developed narratives to establish how laws were passed, looking at when they were proposed and when they were eventually enacted. In the upcoming month, Eagleton will examine voter registration forms across the states to see what forms of identification are requested from mail-in registrants. The difficulty will be determining the 2004 status of the states.

### VOTER ID AND TURNOUT ANALYSIS

Now under way is a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

**Description:** We have created a database and gathered statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election. In November, we have analyzed both aggregate- and individual-level data to determine whether there is any relationship between voter turnout and the various forms of voter identification states require.

**Progress:** Analysis is under way for two data sets: County-level data that includes registration and turnout rates for 2000 and 2004, as well as Census measures and indicators of the type of voter identification requirements that were in existence at the time of the 2004 presidential election. The second data set consists of the voter supplement to the November 2004 Current Population Survey. This data set allows for testing of the same hypotheses at the individual level. Preliminary findings from the aggregate data set suggest that voter ID requirements have their greatest effect at the registration stage, as opposed to the turnout stage. This is a first cut at the data, however, and we will be adding a number of control variables to the analysis to see if the relationship holds.

**Challenges:** These analyses use hierarchical linear modeling. Because voter identification requirements vary by state, one must pay special attention to other, unseen state-level influences on the data. The models are difficult to run and interpret, so the analyses are time-consuming

**Work Plan:** The statistical analyses will continue during the month of December, and a draft of the findings is anticipated by the end of the month.

### **PROJECT MANAGEMENT**

#### PEER REVIEW GROUP

**Description:** A feature of our proposal was the creation of a Peer Review Group (PRG). It reviews our research and methodology and provides valuable feedback and suggestions for the direction of our work.

**Progress:** During the month of November, Eagleton contacted the PRG Members on two occasions. First, all members received the final draft provisional voting report that was submitted to the EAC. Further comments are welcome but not expected from the PRG. Second, we have asked PRG members to reserve two dates in mid-January for potential conference call sessions to review the voter identification report.

**Challenges:** No new challenges were encountered during November.

### COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

#### INFORMATION SYSTEM

**Description:** The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding Provisional Voting and voter identification.

**Progress:** At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. We have reorganized our system by separating final drafts from earlier versions of documents, discarding dated files contained in the Information System, and updating the system as a whole. Upon their completion, new documents continue to be added.

**Projections:** The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

#### INTRANET

**Description:** All project team members have signed on to the Intranet site, and regularly post drafts, completed materials and spreadsheets online for internal review. The Intranet facilitates the exchange of information and collaboration among project participants.

### FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

028872

A detail of expenses incurred from project November 1- November 30, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer at the EAC.

028873

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

To "Tom O'Neill" <tom\_oneill@verizon.net>@GSAEXTERNAL  
cc Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Eileen L. Collver/EAC/GOV@EAC, Nicole  
bcc  
Subject Re: Meeting with EAC in March 

Tom-

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

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

"Tom O'Neill" <tom\_oneill@verizon.net>



"Tom O'Neill"  
<tom\_oneill@verizon.net>  
02/21/2006 10:45 AM

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

Karen,

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

The agenda would include:

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

028874

I believe the meeting should take place after you receive the Voter ID paper from us in the first week of March, and ideally after the Commission staff has had enough time for a preliminary review of it.

The earlier we could set a date for this meeting, the more key members of the team would be able to participate.

Tom O'Neill

028875



"Daniel Tokaji"  
<tokaji.1@osu.edu>  
02/22/2006 02:22 PM

To aambrogi@eac.gov  
cc  
bcc  
Subject RE: PV and ID provisions

History: This message has been replied to and forwarded.

Hey Adam

Here's my Howard draft on preclearance. I'm also attaching something I just wrote for SCLR on the application of Section 2 of the VRA to election administration inequalities. Comments welcome.

Dan

Daniel P. Tokaji  
Assistant Professor of Law  
The Ohio State University  
Moritz College of Law  
614.292.6566  
<http://moritzlaw.osu.edu/blogs/tokaji/>

---

**From:** aambrogi@eac.gov [mailto:aambrogi@eac.gov]  
**Sent:** Tuesday, February 21, 2006 3:42 PM  
**To:** tokaji.1@osu.edu  
**Subject:** Re: PV and ID provisions

Sounds like you're really swamped-- and I'm not going to put anything more on your plate-- when you get to it, that'll be fine.

While I have not heard in the press about the Cameron Quinn issue, it has become commonly known enough that you could discuss it without it getting back to me.

Hope all is well-- good luck with the law review articles.

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

"DANIEL TOKAJI" <tokaji.1@osu.edu>

02/21/2006 03:03 PM

To aambrogi@eac.gov  
cc  
Subject Re: PV and ID provisions

028878

Hi Adam: I've honestly not had a chance to look at this. I'm in the midst of trying to meet a couple of LR deadlines this week. But I do plan to turn to the ID draft by Monday of next week. I'm actually in CA right now and don't have the PV piece with me -- if you can email a copy, I'll try to give it another read-through by tomorrow. Dan

Daniel P. Tokaji  
Assistant Professor of Law  
The Ohio State University  
Moritz College of Law  
614.292.6566  
<http://moritzlaw.osu.edu/blogs/tokaji/>

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

From: aambrogi@eac.gov  
Date: Tuesday, February 21, 2006 2:35 pm  
Subject: PV and ID provisions

> Dan- did you have the comments on the provisional voting piece,  
> and if you  
> have it, a draft of the ID provisions? If not, no worries. This  
> is just  
> me asking for it, not "the EAC" or RM, but I'm trying to get out  
> ahead of  
> some issues.  
> Thanks much,  
> Adam

>

>

> -----

> Adam D. Ambrogi  
> Special Assistant to Commissioner Ray Martinez III  
> U.S. Election Assistance Commission  
> 1225 New York Ave. NW - Suite 1100  
> Washington, DC 20005  
> 202-566-3105

>

>



SCLRArt2.wpd HowLJArt3.wpd

028877

Karen Lynn-Dyson/EAC/GOV  
03/02/2006 02:04 PM

To Gracia Hillman/EAC/GOV@EAC  
cc Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, Bert A. Benavides/EAC/GOV@EAC, DeAnna M.  
bcc  
Subject Re: Eagleton close-out meeting 

Commissioner-

Given travels costs and the number of persons involved from the Eagleton/Moritz team, the idea was to do the two meetings in the same day.

However, I could ask Nicole to determine if there is a day in March that might work with your schedule.

I am very reluctant to schedule a meeting later in April as the contract is technically over March 31 (a Friday). April 3 is the following Monday.

Please advise. Thanks

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

Gracia Hillman/EAC/GOV



Gracia Hillman/EAC/GOV  
03/02/2006 01:57 PM

To klynn-dyson@eac.gov  
cc Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, Bert A. Benavides/EAC/GOV@EAC, DeAnna M. Smith/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Elieen L. Collver/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC  
Subject Re: Eagleton close-out meeting 

I thought we were doing two separate time slots so that Eagleton would brief only two commissioners at a time?

028878

Karen Lynn-Dyson/EAC/GOV

03/16/2006 09:57 AM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,  
Donetta L. Davidson/EAC/GOV@EAC  
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.  
Thompson-Hodgkins/EAC/GOV@EAC, Amie J.  
Sherrill/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC,  
bcc

Subject Fw: Voter ID Paper --Final Draft

Commissioners-

Attached please find a copy of the draft Voter ID best practices paper which Eagleton submitted to me last evening.

I will confer with Tom regarding when you would like this put on your Commissioner meeting agenda.

Regards-

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

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 03/16/2006 08:47 AM —



"Tom O'Neill"  
<tom\_oneill@verizon.net>

03/15/2006 08:21 PM

To klynndyson@eac.gov

cc "Tim Vercellotti" <tim.vercellotti@rutgers.edu>,  
arapp@rci.rutgers.edu, davander@eden.rutgers.edu,  
dlinky@rci.rutgers.edu, ireed@rutgers.edu,  
joharris@eden.rutgers.edu, john.weingart@rutgers.edu,  
rmandel@rci.rutgers.edu, "Johanna Dobrich"  
<jdobrich@eden.rutgers.edu>, tokaji.1@osu.edu,  
foley.33@osu.edu, lauracw@columbus.rr.com

Subject Voter ID Paper --Final Draft

Karen,

Attached is the final draft of the Voter ID paper, with recommendations for the EAC to consider promulgating as best practices. Two appendices are included as part of the draft and a third, the statistical analysis of the effects of different voter ID requirements on turnout, is attached separately to this email.

We look forward to discussing this final draft with you and with the commissioners on April 3. I'll be preparing a Powerpoint presentation for that meeting. Any guidance you can give me later this month on particular questions that briefing should address would be appreciated.

The Moritz-Eagleton team will be meeting next Tuesday at 9:30 a.m.. If you have preliminary comments you would like us to consider, that meeting would be a most convenient occasion to

028879

discuss them.

Tom O'Neill



ReportFinalDraft.doc

02888C

Karen Lynn-Dyson/EAC/GOV

02/28/2006 09:24 AM

To Adam Ambrogi/EAC/GOV@EAC, Elieen L.  
Collver/EAC/GOV@EAC, Bert A.  
Benavides/EAC/GOV@EAC

cc Raymundo Martinez/EAC/GOV@EAC, Donetta L.  
Davidson/EAC/GOV@EAC, Thomas R.  
Wilkey/EAC/GOV@EAC

bcc

Subject Final meeting with Eagleton

As you know Eagleton is finishing up their project and would like to give us a final report on it.

Are your Commissioners and Tom available to meet on any of the following days from 1:00-2:30:

March 23

March 29

March 30

Thanks

Karen Lynn-Dyson

Research Manager

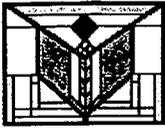
U.S. Election Assistance Commission

1225 New York Avenue , NW Suite 1100

Washington, DC 20005

tel:202-566-3123

028881



Adam Ambrogi/EAC/GOV  
04/25/2006 03:40 PM

To Juliet E. Thompson-Hodgkins/EAC/GOV@EAC  
cc  
bcc  
Subject Agenda



AGENDA (Standards Board) 2006.doc  
this should've been sent by amie early today.

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

028882



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## MEMORANDUM

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**TO:** MEMBERS OF EAC STANDARDS BOARD  
**FROM:** PEGGY NIGHSWONGER, CHAIR, EXECUTIVE BOARD  
RAY MARTINEZ, EAC COMMISSIONER  
**DATE:** APRIL 28, 2006  
**SUBJECT:** UPCOMING MEETING OF STANDARDS BOARD, MAY 23-24, 2006

**The next meeting of the EAC Standards Board (to be held jointly with the EAC Board of Advisors) will be held in Washington, D.C. on Tuesday, May 23 and Wednesday, May 24, 2006 at the Hamilton Crown Plaza hotel.** We hope you will be able to attend this important meeting, which will focus on consideration and discussion of a number of ongoing election administration research projects currently underway by the EAC. Additionally, there will also be an update and discussion regarding recent work conducted by the National Institute of Standards and Technology (NIST) on the voluntary voting system guidelines. (Please see the draft agenda attached for additional information.)

As was the case with our previous meetings of the EAC Standards Board, the EAC will pay the cost of travel, hotel and a Federal per diem for any member of the Standards Board wishing to attend the May 2006 meeting. Upon receipt of this memorandum, please contact the EAC's travel agent, Adventure Travel, at (877) 472-6718 to make your travel arrangements. Additionally, if you have any questions or need assistance in making your travel plans, please call \_\_\_\_\_ (email address is \_\_\_\_\_).

Thank you in advance for your willingness to join us in Washington, D.C. We look forward to seeing you soon.

Q28883

**U.S. ELECTION ASSISTANCE COMMISSION  
Standards Board Meeting Agenda  
Washington, D.C.  
May 23 – 24, 2006**

**Tuesday, May 23, 2006**

***NOON – 1:15 P.M.* LUNCHEON**

**Brief Welcoming Remarks**  
Commissioner Ray Martinez III

**EAC Staff Presentations:**

*Design for Democracy* (improvements to ballot design, national voter registration mail-in form and polling place signage) (Karen Lynn-Dyson);

*Legal On-Line Information Clearinghouse* (Julie Thompson-Hodgkins);

*Public Access Portals* (Edgard Cortes);

*Katrina Voting Assistance Relief* (Edgardo Cortes).

***1:15 – 1:30 P.M.* BREAK**

***1:30 – 2:30 P.M.* STANDARDS BOARD PLENARY SESSION**  
Session Chaired by Peggy Nighswonger  
Chair, Executive Board

- Appointment of Parliamentarian
- Adoption of Agenda
- Review of Meeting Book Materials
- Presentation of Proposed Permanent Bylaws  
Kevin Kennedy, Executive Director, State Elections Board, Wisconsin  
Joanne Armbruster, Atlantic County Superintendent of Elections, New Jersey
- Election of Executive Board Vacancy

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**2:30 – 4:00 P.M. DISCUSSION: DRAFT REPORT ON PROVISIONAL VOTING**

Presentors:  
Thomas O'Neil: Project Manager, EAC Provisional Vote Study  
Edward Foley: Director, Election Law@Moritz (The Ohio State University)  
EAC Resource Person: Julie Thompson-Hodgkins

**4:00 – 4:15 P.M. BREAK**

**4:15 – 5:30 P.M. DISCUSSION: DRAFT REPORT ON POLL WORKER RECRUITMENT, TRAINING AND RETENTION (INCLUDING COLLEGE POLL WORKERS)**

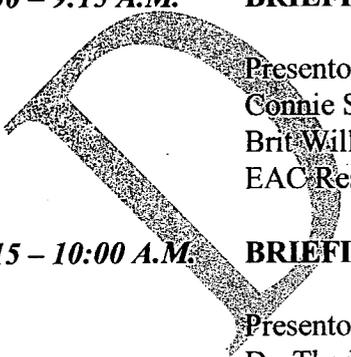
Presentors:  
Jennifer Collins-Foley, EAC Consultant  
Dora Rose, Center for Election Integrity, Cleveland State University  
EAC Resource Person: Karen Lynn-Dyson

**NOTE: Attendees on their own for dinner.**

**Wednesday, May 24, 2006**

**8:00 – 8:30 A.M. CONTINENTAL BREAKFAST**

**8:30 – 9:15 A.M. BRIEFING: PROPOSED MANAGEMENT GUIDELINES**



Presentors:  
Connie Schmidt, EAC Consultant  
Brit Williams, EAC Consultant  
EAC Resource Person: Brian Hancock

**9:15 – 10:00 A.M. BRIEFING: DRAFT REPORT ON VOTE COUNT/RECOUNT**

Presentors:  
Dr. Thad Hall, Assistant Professor of Political Science, University of Utah  
Doug Chapin, EAC Consultant  
EAC Resource Person: Julie Thompson-Hodgkins, EAC

**10:00 – 10:15 A.M. BREAK**

**10:30 – 11:00 A.M. DISCUSSION: DRAFT REPORT ON IMPROVING DATA COLLECTION**

Presentors:

028885

Karen Lynn-Dyson, Research Director, EAC  
Laiza Otero, Research Associate, EAC

**11:00 – 11:55 P.M. BRIEFING: DRAFT REPORT ON VOTER FRAUD/VOTER INTIMIDATION**

Presentors:  
Job Serebrov, Associate, The Nixon Law Firm  
Tova Wang, Democracy Fellow, The Century Foundation  
EAC Resource Person: Juliet Thompson, EAC General Counsel

**NOON – 1:30 P.M. JOINT LUNCHEON**

***EAC Activities Update***

Brief Remarks by: Chairman Paul DeGregorio  
Commissioner Gracia Hillman

***Presentation: General Update on NIST/TGDC Activities***

Introduction of Speakers: Commissioner Donetta Davidson

Presentors:  
John Wack, NIST

**1:40 – 2:45 P.M. DISCUSSION: DRAFT REPORT ON VOTER IDENTIFICATION**

Presentors:  
Thomas O'Neil: Project Manager, EAC Voter I.D. Study  
Edward Foley, Director, Election Law@Moritz, The Ohio State University  
EAC Resource Person: Juliet Thompson-Hodkins

**2:45 – 3:00 P.M. BREAK**

**3:00 – 5:00 P.M. STANDARDS BOARD PLENARY SESSION**  
Session Chaired by Peggy Nighswonger, Chair, Executive Board

Discussion and consideration of Standards Board business.

**5:00 P.M. ADJOURN**

028880

Juliet E.  
Thompson-Hodgkins/EAC/G  
OV  
04/25/2006 10:28 PM

To Amie J. Sherrill/EAC/GOV@EAC, Adam Ambrogi  
cc  
bcc  
Subject Re: BoA and Standards Board agendas 

History:  This message has been replied to

I have taken a look at the agendas. My questions start with assignment as resource person. Is Peggy going to be present for the Vote Fraud and Intimidation presentation? I have not been the person refereeing between Job and Tova, nor am I up to date on what their findings and work are. If I am just there to support the meeting, that's great, but Peggy should be there to make any substantive comments. I suffer from a similar problem with regard to the Eagleton presentation (other than what I gathered from their presentation a few weeks ago).

Perhaps what I need to know is what is the "resource person" supposed to do?

As a second question, do we know whether this lunch on Tuesday is "set". The hotel contract will have to be amended to include this lunch. I don't want to move forward on setting that up if it is not approved by the two Boards or it is otherwise not going to occur.

Third issue is that last time the Standards Board wanted a parliamentarian -- not volunteering, but that should be considered in terms of how our staff is assigned.

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

Amie J. Sherrill/EAC/GOV

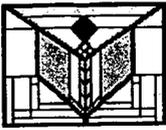
04/25/2006 03:45 PM

To jthompson@eac.gov@EAC, Karen Lynn-Dyson/EAC/GOV  
cc  
Subject BoA agenda



May 2006 Board of Advisors Agenda.doc  
Amie J. Sherrill  
Special Assistant to Chairman Paul S. DeGregorio  
U.S. Election Assistance Commission  
1225 New York NW - Suite 1100  
Washington, DC 20005  
(202) 566 3106

028887



Adam Ambrogi/EAC/GOV  
04/26/2006 08:05 AM

To Juliet E. Thompson-Hodgkins/EAC/GOV@EAC  
cc Amie J. Sherrill/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC  
bcc  
Subject Re: BoA and Standards Board agendas

Julie, in response to your questions:

The first response is that we've placed you as a resource person for only the ID, Provisional ballot, and then your presentation on legal clearinghouse website. So that's changed. The EAC reference person is not supposed to really interact, but be able to respond to the Board if they have questions regarding EAC processes in conducting the research. The panelists should start and lead the discussion. (i.e. for the breakout sessions on VVSG, I only answered procedural questions from the crowd). The ID and PV issues are inherently legal, so we wanted you to be on hand to explain those items.

As to the second issue, I'm copying Ray, because I believe that the lunch has the Executive Board's approval to alter the contract to provide for a lunch. They had requested an earlier start that day, and this is an effort to accommodate that request. If he disagrees, then I can do what is necessary to get approval for that lunch officially.

Third issue, we may need a parliamentarian for the SB, however, that role might be filled by Bill Campbell as the new role of secretary, or as one of the other SB members appointed. Do you believe we need a line in the first plenary session to appoint the parliamentarian? Maybe Gavin's interested? Ray, any thoughts?

Thanks,  
Adam

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

Juliet E. Thompson-Hodgkins/EAC/GOV

Juliet E.  
Thompson-Hodgkins/EAC/GO  
V  
04/25/2006 10:28 PM

To Amie J. Sherrill/EAC/GOV@EAC, Adam Ambrogi  
cc  
Subject Re: BoA and Standards Board agendas

I have taken a look at the agendas. My questions start with assignment as resource person. Is Peggy going to be present for the Vote Fraud and Intimidation presentation? I have not been the person refereeing between Job and Tova, nor am I up to date on what their findings and work are. If I am just there to support the meeting, that's great, but Peggy should be there to make any substantive comments. I suffer from a similar problem with regard to the Eagleton presentation (other than what I gathered from

028888

their presentation a few weeks ago).

Perhaps what I need to know is what is the "resource person" supposed to do?

As a second question, do we know whether this lunch on Tuesday is "set". The hotel contract will have to be amended to include this lunch. I don't want to move forward on setting that up if it is not approved by the two Boards or it is otherwise not going to occur.

Third issue is that last time the Standards Board wanted a parliamentarian -- not volunteering, but that should be considered in terms of how our staff is assigned.

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

Amie J. Sherrill/EAC/GOV

04/25/2006 03:45 PM

To jthompson@eac.gov@EAC, Karen Lynn-Dyson/EAC/GOV

cc

Subject BoA agenda



May 2006 Board of Advisors Agenda.doc  
Amie J. Sherrill  
Special Assistant to Chairman Paul S. DeGregorio  
U.S. Election Assistance Commission  
1225 New York NW - Suite 1100  
Washington, DC 20005  
(202) 566 3106

028889

Margaret Sims/EAC/GOV  
05/04/2006 02:07 PM

To pdegregorio@eac.gov, rmartinez@eac.gov,  
ddavidson@eac.gov, ghillman@eac.gov  
cc twilkey@eac.gov, jthompson@eac.gov, Gavin S.  
Gilmour/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC,  
Adam Ambrogi/EAC/GOV@EAC, Elieen L.  
bcc

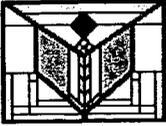
Subject Voting Fraud-Voter Intimidation Working Group Meeting

Dear Commissioners:

This is to let you know that the Working Group for our Voting Fraud and Voter Intimidation preliminary research project is scheduled to meet in EAC's large conference room the afternoon of Thursday, May 18. I will provide more information about this meeting to you later.

Peggy Sims  
Election Research Specialist

028890



Adam Ambrogi/EAC/GOV  
05/08/2006 11:44 AM

To Karen Lynn-Dyson/EAC/GOV@EAC, Edgardo  
Cortes/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC,  
Juliet E. Thompson-Hodgkins/EAC/GOV@EAC, Margaret  
cc Amie J. Sherrill/EAC/GOV@EAC

bcc

Subject Research materials for Boards

Team:

To help guide our thoughts for those of us working on the 1 PM meeting on what materials will be available for the SB/BOA meeting, I have drawn up a "comment" version of the SB agenda, which indicates, for each agenda item present, what materials will be available, and when. This is a preliminary agenda, and I realize we'll discuss these issues at the meeting today, but I thought it would be better to see this in written form, so we can identify potential problem areas. I'd like to work from this, modify this document, as we make our determinations as when, and in what form we will be providing materials to the Boards.

Again-- you all are the experts as to what stage these projects are at-- so I apologize if there's missing or incomplete information here.

Thanks,  
Adam



ResearchAGENDA (Standards Board) 2006.doc

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

028891



U.S. ELECTION ASSISTANCE COMMISSION  
Standards Board Meeting Agenda  
Washington, D.C.  
May 23 – 24, 2006

Tuesday, May 23, 2006

**NOON – 1:15 P.M. LUNCHEON**

**Brief Welcoming Remarks**  
Commissioner Ray Martinez III

**EAC Staff Presentations:**

*Design for Democracy* (improvements to ballot design, national voter registration/mail-in form and polling place signage) (Karen Lynn-Dyson)

*Legal On-Line Information Clearinghouse* (Julie Thompson-Hodgkins)

*Public Access Portals* (Edgardo Cortes)

*Katrina Voting Assistance Relief* (Edgardo Cortes)

**Comment [Aa1]:** KLD has initial materials—need to determine what materials should/could be provided to the SB.

**Comment [Aa2]:** EC and JL may have initial website to present/display for SB members at meeting—unlikely to have materials ready in advance.

**Comment [Aa3]:** Update only, no materials.

**Comment [Aa4]:** Update only, no materials.

**1:15 – 1:30 P.M. BREAK**

**1:30 – 2:30 P.M. STANDARDS BOARD PLENARY SESSION**  
Session Chaired by Peggy Nighswonger  
Chair, Executive Board

- Appointment of Parliamentarian
- Adoption of Agenda
- Review of Meeting Book Materials
- Presentation of Proposed Permanent Bylaws
- Election of Executive Board Vacancy

**2:30 – 4:00 P.M. DISCUSSION: DRAFT REPORT ON PROVISIONAL VOTING**

**Presenters:**  
Thomas O'Neill: Provisional Voting/Voter Identification Study

**Comment [Aa5]:** Draft available same as last copy to 4Cs. Do not expect additional versions produced prior to the SB meeting. Can be emailed in advance.

Edward Foley: Director, Election Law@Moritz (The Ohio State University)

EAC Resource Person: Julie Thompson-Hodgkins

**4:00 – 4:15 P.M. BREAK**

**4:15 – 5:30 P.M. DISCUSSION: DRAFT REPORT ON POLL WORKER RECRUITMENT, TRAINING AND RETENTION (INCLUDING COLLEGE POLL WORKERS)**

Presenters:  
Jennifer Collins-Foley, Pollworker Institute  
Abby Horn, Cleveland State University  
EAC Resource Person: Karen Lynn-Dyson

**Comment [Aa6]:** Preliminary draft available for both College Pgm. and Poll. Pgm. Needs additional work prior to releasing. Work might be able to be performed in the next week.

**NOTE: Attendees on their own for dinner.**

**Wednesday, May 24, 2006**

**8:00 – 8:30 A.M. CONTINENTAL BREAKFAST**

**8:30 – 9:15 A.M. BRIEFING: PROPOSED MANAGEMENT GUIDELINES**

Presenters:  
Connie Schmidt, EAC Consultant  
Brit Williams, EAC Consultant  
EAC Resource Person: Brian Hancock

**Comment [Aa7]:** CS, BW and BH to meet on Wednesday to determine what of their materials may be ready for distribution. Current potentials: 3 pg. overview briefing of guideline principals, and 20 pg. chapter on security principals.

**9:15 – 10:00 A.M. BRIEFING: DRAFT REPORT ON VOTE COUNT/RECOUNT**

Presenters:  
Dr. Thad Hall, Assistant Professor of Political Science, University of Utah  
Doug Chapin, EAC Consultant  
EAC Resource Person: Peggy Sims

**Comment [Aa8]:** Draft report completed, according to KLD, too technical at this point, but able to be released.

**10:00 – 10:15 A.M. BREAK**

**10:30 – 11:00 A.M. DISCUSSION: DRAFT EAC ELECTION DAY SURVEY**

Presenters:  
Karen Lynn-Dyson, Research Director, EAC  
Laiza Otero, Research Associate, EAC

**Comment [Aa9]:** LO and JT are currently in consultation regarding the form of the document. Will likely be ready in draft form for distribution immediately prior to SB meeting.

**11:00 – 11:55 P.M. BRIEFING: DRAFT REPORT ON VOTING FRAUD/VOTER INTIMIDATION**

Presenters:  
Job Serebrov, Associate, The Nixon Law Firm  
Tova Wang, Democracy Fellow, The Century Foundation

**Comment [Aa10]:** There is legal research prepared, but not compiled in a format that would be usable by SB members. Because of the close proximity to the working group meeting, final report is not yet written.

EAC Resource Person: Peggy Sims

**NOON – 1:30 P.M. JOINT LUNCHEON**

***EAC Activities Update***

Brief Remarks by: Chairman Paul DeGregorio  
Vice-Chairman Ray Martinez III  
Commissioner Gracia Hillman

**Presentation:** ~~General Update on NIST/TGDC Activities~~

**Comment [Aa11]:** Allan Eustice contacted to determine what materials may be made available.

Introduction of Speaker: Commissioner Donetta Davidson

Presenters:  
John Wack, NIST

**1:40 – 2:45 P.M.**

**~~DISCUSSION: DRAFT REPORT ON VOTER IDENTIFICATION~~**

**Comment [Aa12]:** Draft available same as last copy to 4Cs. Do not expect additional versions produced prior to the SB meeting. Can be emailed in advance.

Presenters:  
Thomas O'Neill, Provisional Voting/Voter Identification Study  
Edward Foley, Director, Election Law@Moritz, The Ohio State University  
EAC Resource Person: Julie Thompson-Hodgkins

**2:45 – 3:00 P.M.**

**BREAK**

**3:00 – 5:00 P.M.**

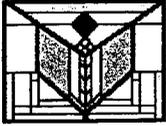
**STANDARDS BOARD PLENARY SESSION**

Session Chaired by Peggy Nighswonger, Chair, Executive Board

Discussion and consideration of Standards Board business.

**5:00 P.M.**

**ADJOURN**



Adam Ambrogi/EAC/GOV

05/09/2006 12:15 PM

To Karen Lynn-Dyson/EAC/GOV@EAC, Edgardo Cortes/EAC/GOV@EAC, Laiza N. Otero/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV@EAC, Margaret cc Amie J. Sherrill/EAC/GOV@EAC

bcc

Subject Materials for Standards Board (DRAFT)

Attached, please find draft letter to be sent to the Commissioners. Any comments or corrections, please make them and send them back to Amie and myself. We hope to send this email by 3 PM today, so please take a look quickly-- for your projects.

Commissioners:

Peggy, Edgardo, Karen, Laiza, Adam and Amie met this afternoon to discuss what materials will be ready to present to the Standards Board and Board of Advisors members during the meetings later this month. Listed below is what we have determined to be available for their review and feedback. Please review this list and offer your feedback.

Also, attached is an updated SB agenda with "comments" on work product for each project to be discussed.

Design for Democracy - exhibits to be on display for board member review and feedback; Ric Grefe will be present with KLD to discuss the processes used to get to these specific examples; Preliminary Design Report (dated April 10, 2006) to be delivered electronically to the members for their review prior to the meeting

Legal Information Clearinghouse - demo version of the website will be available to show

Public Access Portals - there is a conference scheduled for June 16-18; a tentative agenda and, if desired, a list of participants will be made available to the members for their review and feedback; also future steps can also be outlined for their feedback

Katrina Voting Assistance Relief - due to the limited amount of information that we can offer, we propose eliminating this topic and substituting discussions on our Language Working Group meetings

Language Working Groups - the members will be updated on our two working group meetings and the information received at both, as well as our next steps

Provisional Voting - a draft of the final report is to be delivered to the 4 C's by 5/11 for their review and feedback; product following 4C review will be available 5/17 for electronic distribution to board members

Poll Worker R T & R (including College Pollworker) - reports as they stand now are not ready to be presented, according the KLD; Peggy and Karen to communicate to project managers the need for a report by 5/11 for review by the 4 C's

Proposed Management Guidelines - Connie, Brit, and Brian to determine on 5/10 what materials are ready for presentation to board members; currently a 3 page overview briefing of guideline principles and a 20 page chapter on security principles have been prepared

Vote Count/Recount - materials to be delivered to board members include the public testimony given by Thad Hall and Doug Chapin at our Seattle public meeting and several case studies outlining examples

EAC Election Day Survey - draft report with changes/updates highlighted and website application clips to be presented (Ready).

028895

Voting Fraud/Voter Intimidation - a summary of the preliminary research and a recap of the discussions of the May 18 working group meeting offering brainstorming ideas, not advice

NIST/TGDC activities - Allan Eustis states that NIST is working to provide their summary of materials to be provided, and that they will get that to us ASAP.

Voter Identification - a PowerPoint presentation outlining the process and a summary of findings. Peer review group to occur May 11th, with final Draft due the 15th. At this time, Commissioners can determine whether Draft Report is ready to submit to the SB and BOA.



Research Work Product AGENDA 2006.doc

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

028896

Margaret Sims /EAC/GOV

05/09/2006 02:48 PM

To Adam Ambrogi/EAC/GOV@EAC

cc

bcc

Subject Fw: Working Group-Perez

Adam:

J.R. Perez's resume is attached, and I have forwarded my last explanatory email to Job in answer to his concerns. I will tell Tova not to contact Ray, but that she may talk with you about this issue. Thanks! ---  
Peggy



Perez bio 5\_5\_06.doc

----- Forwarded by Margaret Sims/EAC/GOV on 05/09/2006 02:45 PM -----

Margaret Sims /EAC/GOV

05/09/2006 11:13 AM

To "Job Serebrov"

<serebrov@sbcglobal.net>@GSAEXTERNAL

cc wang@tcf.org

Subject Re: Working Group-Perez 

As you may recall, the Commissioners directed me to find a nonpartisan local election official to serve on the Working Group. The three of us discussed the desirability of having a Hispanic. I proposed that I find someone from Texas because of that State's colorful history of voting fraud and their innovative approaches to combat it. In those Texas counties that hire Election Administrators to run elections, rather than having elected officials do so (Tax Assessor for voter registration; County Clerk for balloting), the Election Administrator is hired by the County Election Commission and is supposed to perform his or her duties in a nonpartisan manner. (See attached excerpts from Texas Election Code regarding election administrator hiring and restrictions on partisan activity.)

Any experienced Texas election official will be familiar with voting fraud and voter intimidation schemes used in that State. Mr. Perez has over 13 years experience as a county Election Administrator in Texas. You won't find many news articles mentioning him because he has kept his nose clean. (The Texas press, as in many other parts of the country, prefers to report bad news.) Mr. Perez is plugged into the association of Texas election officials and the two largest organizations of election officials in this country: the International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT); and The Election Center. He is a past President and past Chairman of the Legislative Committee for the Texas Association of Election Administrators. He currently serves on IACREOT's Election Officials Committee, which plans the educational sessions for election officials that are conducted at that organization's conferences. His peers in IACREOT and The Election Center have selected his submissions on web presentations (IACREOT) and his professional practices papers (Election Center) for awards. Mr. Perez also has access to information from other States through his membership in IACREOT and The Election Center. He also has a sense of humor, which you will note if you access the staff web page on the Guadalupe County Elections web site and hear the Mission Impossible theme .. something that might be useful in the upcoming meeting.

Guadalupe County is small but growing. In 2004, the county had over 65 thousand registered voters (a number more than doubled the number of registered voters in 1988). A third of the county's population claims Hispanic or Latino origin, according to the U.S. Census Bureau. The county is in south central Texas and is bordered by Comal, Hays, Cladwell, Gonzales, Wilson, and Bexar counties. In the 1980s, the county was predominately a farming community; but in recent years, many people have moved from

028897

San Antonio (Bexar County) to Guadalupe County, preferring to live in Guadalupe County and work in Bexar County.

--- Peggy



tx elec admin-appt-partisan restrictions.doc

"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"  
<serebrov@sbcglobal.net>  
05/08/2006 11:30 PM

To psims@eac.gov  
cc  
Subject Re: Working Group

Peggy:

What political party is Perez with? How political is he? Is the position in Texas neutral or political? Who appointed Perez?

As to Pat I will contact him but I can't promise anything. If Pat can't come, who is getting knocked off Tova's list?

Job

028898

Margaret Sims /EAC/GOV

05/09/2006 02:51 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL

cc Adam Ambrogi/EAC/GOV@EAC

bcc

Subject RE: Working Group-Perez

We are still on for 4 PM. Ray is out of the office due to a family emergency, so I suggest you NOT contact him. You may contact his Special Assistant, Adam Ambrogi (aambrogi@eac.gov or 202-566-3105), who also hails from Texas. --- Peggy

"Tova Wang" <wang@tcf.org>



"Tova Wang"

<wang@tcf.org>

05/09/2006 12:08 PM

To psims@eac.gov, serebrov@sbcglobal.net

cc

Subject RE: Working Group-Perez

We are still doing the 4 pm call, right? We can discuss it more then. Would it be OK if I see if Ray knows this person? Thanks. Tova

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

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

**Sent:** Tuesday, May 09, 2006 10:14 AM

**To:** serebrov@sbcglobal.net

**Cc:** wang@tcf.org

**Subject:** Re: Working Group-Perez

As you may recall, the Commissioners directed me to find a nonpartisan local election official to serve on the Working Group. The three of us discussed the desirability of having a Hispanic. I proposed that I find someone from Texas because of that State's colorful history of voting fraud and their innovative approaches to combat it. In those Texas counties that hire Election Administrators to run elections, rather than having elected officials do so (Tax Assessor for voter registration; County Clerk for balloting), the Election Administrator is hired by the County Election Commission and is supposed to perform his or her duties in a nonpartisan manner. (See attached excerpts from Texas Election Code regarding election administrator hiring and restrictions on partisan activity.)

Any experienced Texas election official will be familiar with voting fraud and voter intimidation schemes used in that State. Mr. Perez has over 13 years experience as a county Election Administrator in Texas. You won't find many news articles mentioning him because he has kept his nose clean. (The Texas press, as in many other parts of the country, prefers to report bad news.) Mr. Perez is plugged into the association of Texas election officials and the two largest organizations of election officials in this country: the International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT); and The Election Center. He is a past President and past Chairman of the Legislative Committee for the Texas Association of Election Administrators. He currently serves on IACREOT's Election Officials Committee, which plans the educational sessions for election officials that are conducted at that organization's conferences. His peers in IACREOT and The Election Center have selected his submissions on web presentations (IACREOT) and his professional practices papers (Election Center) for awards. Mr. Perez also has access to information from other States through his membership in IACREOT and The Election Center. He also has a sense of humor, which you will note if you access the staff

028899

web page on the Guadalupe County Elections web site and hear the Mission Impossible theme .. something that might be useful in the upcoming meeting.

Guadalupe County is small but growing. In 2004, the county had over 65 thousand registered voters (a number more than doubled the number of registered voters in 1988). A third of the county's population claims Hispanic or Latino origin, according to the U.S. Census Bureau. The county is in south central Texas and is bordered by Comal, Hays, Cladwell, Gonzales, Wilson, and Bexar counties. In the 1980s, the county was predominately a farming community; but in recent years, many people have moved from San Antonio (Bexar County) to Guadalupe County, preferring to live in Guadalupe County and work in Bexar County.

--- Peggy

"Job Serebrov" <serebrov@sbcglobal.net>

05/08/2006 11:30 PM

To psims@eac.gov  
cc  
Subject Re: Working Group

Peggy:

What political party is Perez with? How political is he? Is the position in Texas neutral or political? Who appointed Perez?

As to Pat I will contact him but I can't promise anything. If Pat can't come, who is getting knocked off Tova's list?

Job

028900

Margaret Sims /EAC/GOV

05/09/2006 03:38 PM

To Adam Ambrogi/EAC/GOV@EAC

cc Amie J. Sherrill/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV@EAC, Karen

bcc

Subject Re: Materials for Standards Board (DRAFT) 

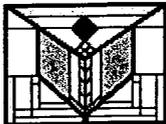
Adam:

Regarding the **Vote Count/Recount** contract, I am trying to schedule a teleconference with Thad for tomorrow. We will discuss preparations for his presentation, among other things. He may suggest additional materials, other than the testimony, that may be acceptable to us.

Regarding the **Vote Fraud/Voter Intimidation** project, I don't think the materials will include a written recap of the Working Group meeting, scheduled for May 18, if we have to have the materials to you NLT COB May 17. I can provide a verbal recap at the meeting. I may be able to pull together a written recap after May 18, but it won't be available much earlier than the week of the meetings.

Let me know if you have any questions. --- Peggy

Adam Ambrogi/EAC/GOV



Adam Ambrogi/EAC/GOV

05/09/2006 12:15 PM

To Karen Lynn-Dyson/EAC/GOV@EAC, Edgardo Cortes/EAC/GOV@EAC, Laiza N. Otero/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC

cc Amie J. Sherrill/EAC/GOV@EAC

Subject Materials for Standards Board (DRAFT)

Attached, please find draft letter to be sent to the Commissioners. Any comments or corrections, please make them and send them back to Amie and myself. We hope to send this email by 3 PM today, so please take a look quickly-- for your projects.

Commissioners:

Peggy, Edgardo, Karen, Laiza, Adam and Amie met this afternoon to discuss what materials will be ready to present to the Standards Board and Board of Advisors members during the meetings later this month. Listed below is what we have determined to be available for their review and feedback. Please review this list and offer your feedback.

Also, attached is an updated SB agenda with "comments" on work product for each project to be discussed.

Design for Democracy - exhibits to be on display for board member review and feedback; Ric Grefe will be present with KLD to discuss the processes used to get to these specific examples; Preliminary Design Report (dated April 10, 2006) to be delivered electronically to the members for their review prior to the meeting

028901

Legal Information Clearinghouse - demo version of the website will be available to show

Public Access Portals - there is a conference scheduled for June 16-18; a tentative agenda and, if desired, a list of participants will be made available to the members for their review and feedback; also future steps can also be outlined for their feedback

Katrina Voting Assistance Relief - due to the limited amount of information that we can offer, we propose eliminating this topic and substituting discussions on our Language Working Group meetings

Language Working Groups - the members will be updated on our two working group meetings and the information received at both, as well as our next steps

Provisional Voting - a draft of the final report is to be delivered to the 4 C's by 5/11 for their review and feedback; product following 4C review will be available 5/17 for electronic distribution to board members

Poll Worker R T & R (including College Pollworker) - reports as they stand now are not ready to be presented, according to the KLD; Peggy and Karen to communicate to project managers the need for a report by 5/11 for review by the 4 C's

Proposed Management Guidelines - Connie, Brit, and Brian to determine on 5/10 what materials are ready for presentation to board members; currently a 3 page overview briefing of guideline principles and a 20 page chapter on security principles have been prepared

Vote Count/Recount - materials to be delivered to board members include the public testimony given by Thad Hall and Doug Chapin at our Seattle public meeting and several case studies outlining examples

EAC Election Day Survey - draft report with changes/updates highlighted and website application clips to be presented (Ready).

Voting Fraud/Voter Intimidation - a summary of the preliminary research and a recap of the discussions of the May 18 working group meeting offering brainstorming ideas, not advice

NIST/TGDC activities - Allan Eustis states that NIST is working to provide their summary of materials to be provided, and that they will get that to us ASAP.

Voter Identification - a PowerPoint presentation outlining the process and a summary of findings. Peer review group to occur May 11th, with final Draft due the 15th. At this time, Commissioners can determine whether Draft Report is ready to submit to the SB and BOA.



Research Work Product AGENDA 2006.doc

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

028902

Karen Lynn-Dyson/EAC/GOV  
05/09/2006 04:03 PM

To Adam Ambrogi/EAC/GOV@EAC  
cc Juliet E. Thompson-Hodgkins/EAC/GOV@EAC  
bcc

Subject Re: Materials for Standards Board (DRAFT) 

History:  This message has been forwarded.

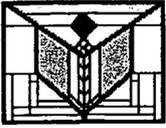
Adam-

This is fine and accurate as far as I can tell.

I assume Julie is comfortable with the fact that she is the EAC resource staff person for the Eagleton presentations.

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

028906



Adam Ambrogi/EAC/GOV  
05/09/2006 05:54 PM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC  
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.  
Thompson-Hodgkins/EAC/GOV@EAC, Amie J.  
Sherrill/EAC/GOV@EAC, Karen  
bcc

Subject Board Meeting Materials

Commissioners:

Peggy, Edgardo, Karen, Laiza, Adam and Amie met yesterday afternoon to discuss what materials will be ready to present to the Standards Board and Board of Advisors members during the meetings later this month. Listed below is what the Research Team has determined to be available for their review and feedback. It looks like the much of the information needed will be able to be sent to Adventure travel for their preparation in binders on May 17th.

Please review this list and offer your feedback.

Also, attached is an updated SB agenda with "comments" on work product for each project to be discussed.

Design for Democracy - exhibits to be on display for board member review and feedback; Ric Grefe will be present with KLD to discuss the processes used to get to these specific examples; Preliminary Design Report (dated April 10, 2006) to be delivered electronically to the members for their review prior to the meeting

Legal Information Clearinghouse - Information about contract, potentially a demo website to show members functionality (tentative).

Public Access Portals - there is a conference in June; a tentative agenda will be made available to the members for their review and feedback; also future steps can also be outlined for their feedback; we will include a timeline for when draft documents will be submitted so we can send them out via email for feedback before finalizing the project.

Katrina Voting Assistance Relief - due to the limited amount of information that we can offer, EC strongly proposes eliminating this topic and substituting discussions on our Language Working Group meetings

Language Working Groups - the members will be updated on our two working group meetings and the information received at both, as well as our next steps for development of programs

Provisional Voting - a draft of the final report is to be delivered to the 4 C's by 5/11 for their review and feedback; product following 4C review will be available 5/17 for electronic distribution to board members

Poll Worker R T & R (including College Pollworker) - reports as they stand now are not ready to be presented, according the KLD; Peggy and Karen to communicate to project managers the need for a report by 5/11 for review by the 4 C's

Proposed Management Guidelines - Connie, Brit, and Brian to determine on 5/10 what materials are ready for presentation to board members; currently a 3 page overview briefing of guideline principles and a 20 page chapter on "security principles" have been prepared

Vote Count/Recount - materials to be delivered to board members include the public testimony given by Thad Hall and Doug Chapin at our Seattle public meeting and several case studies outlining examples. Peggy will discuss on 5/10 with Prof. Hall regarding other materials that may be presented.

EAC Election Day Survey - draft report with changes/updates highlighted and website application clips to

028904

be presented (Ready).

Voting Fraud/Voter Intimidation - a summary of the preliminary research and initial feedback from the May 18 working group meeting offering brainstorming ideas, not formal advice.

NIST/TGDC activities - Allan Eustis states that NIST is working to provide their summary of materials to be provided, and that they will get that to us ASAP.

Voter Identification - a PowerPoint presentation outlining the process and a summary of findings. Peer review group to occur May 11th, with final Draft due the 15th. At this time, Commissioners can determine whether Draft Report is ready to submit to the SB and BOA.



Research Work Product AGENDA 2006.doc

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

028905

Karen Lynn-Dyson/EAC/GOV  
05/10/2006 04:44 PM

To "Tom O'Neill" <tom\_oneill@verizon.net>@GSAEXTERNAL,  
Adam Ambrogi/EAC/GOV@EAC  
cc foley.33@osu.edu, john.weingart@rutgers.edu, "Tim  
Vercellotti" <tim.vercellotti@rutgers.edu>, tokaji.1@osu.edu  
bcc

Subject RE: Travel arrangements for the EAC Board of Advisors and  
Standards Board meeting

History: This message has been replied to.

Tom-

It is my understanding that Adam Ambrogi has been in touch with Ned Foley and, in turn, Dan Tokaji to indicate that you and Dan will present the information on the Voter ID project, while you and Ned will present the information on the Provisional Voting project.

Adam Ambrogi can also clarify your presentations. As I understand it, you will present your Voter ID and Provisional Voting projects to the Standards Board. You will then present your Voter ID and Provisional Voting Projects to the Board of Advisors.

I believe Adventure Travel handles hotel and travel arrangements.

I do not believe accommodations have been made for other members of the project team to attend. I will ask Adam Ambrogi, who is the principal point of contact on these meetings, to clarify this.

Regards-

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

"Tom O'Neill" <tom\_oneill@verizon.net>



"Tom O'Neill"  
<tom\_oneill@verizon.net>  
05/10/2006 10:12 AM

To klynndyson@eac.gov  
cc john.weingart@rutgers.edu, tokaji.1@osu.edu,  
foley.33@osu.edu, "Tim Vercellotti"  
<tim.vercellotti@rutgers.edu>  
Subject RE: Travel arrangement for the EAC Board of Advisors and  
Standards Board meeting

Karen,

As we discussed last week, the Eagleton-Moritz team making the presentations at the advisory board meetings will include others in addition to Ned and me. While Ned and I will handle the briefing on the provisional voting report, the team for the briefing on the Voter ID report will include Dan Tokaji and Tim Vercellotti.

028906

Just to understand what Adventure Travel is to provide: will its services include hotel reservations and travel, or does it have a more limited mission?

Thanks,

Tom O'Neill

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

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

**Sent:** Tuesday, May 09, 2006 4:34 PM

**To:** klynndyson@eac.gov

**Cc:** john.weingart@rutgers.edu; Tom O'Neill

**Subject:** Re:Travel arrangement for the EAC Board of Advisors and Standards Board meeting

Tom O' Neill and Ned Foley-

As you know you are scheduled to make two presentations to the EAC Board of Advisors and Standards Board on **Tuesday May 23, 2006 from 2:30-4:00 PM (on Provisional Voting ) and on Wednesday ,May 24th from 1:40-2:45 PM ( on Voter Identification )**

If you have not already done so, please make your hotel and travel arrangements through Adventure Travel, Judy Mays 205-444-4833 ( judy.mays@adtrav.com)

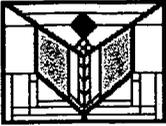
These reservations should be made no later than tomorrow COB.

Please indicate to Judy Mays that you are a contractor, who is scheduled to make a presentation at the meeting.

Thanks

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

028907



Adam Ambrogi/EAC/GOV  
05/16/2006 11:47 AM

To Margaret Sims/EAC/GOV@EAC  
cc Amie J. Sherrill/EAC/GOV@EAC, ecortes@eac.gov, Karen  
Lynn-Dyson/EAC/GOV@EAC, twilkey@eac.gov  
bcc  
Subject Re: Standards and Advisory Board Agendas 

These are the only publicly released agendas yet-- The discussion, and modification that was done last week as to what products are being produced are not reflected-- but will in the final version. These were distributed because of numerous Staff questions as to time and place issues.

We'll forward around the final draft info when available.

Peggy- any word yet on what's up for Voting Fraud issue for the meeting(I know you have that WG in two days, but....)?

Thanks,  
Adam

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

Margaret Sims/EAC/GOV

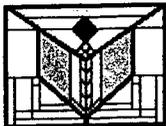
Margaret Sims/EAC/GOV  
05/16/2006 11:43 AM

To Adam Ambrogi/EAC/GOV@EAC  
cc Amie J. Sherrill/EAC/GOV@EAC, twilkey@eac.gov, Karen  
Lynn-Dyson/EAC/GOV@EAC, ecortes@eac.gov  
Subject Re: Standards and Advisory Board Agendas 

These agendas still indicate that draft reports on the Vote Count/Recount and the Voting Fraud-Voter Intimidation research projects will be presented for consideration. In neither case is this true. Reports from these projects are unavailable or not ready for prime time.

Thad Hall and Doug Chaping will have a PowerPoint presentation on the Vote Count/Recount project (and we can make copies of their testimony in Seattle available) and I will have a status report on the Voting Fraud-Voter Intimidation project for the boards. --- Peggy

Adam Ambrogi/EAC/GOV



Adam Ambrogi/EAC/GOV  
05/16/2006 11:15 AM

To EAC Staff  
cc  
Subject Standards and Advisory Board Agendas

028908

Dear Staff

While the final version will be sent later this week, attached is the current agendas for the Standards and Advisory Boards, so the staff will know when (or if) they have to be present.

Thanks,  
Adam Ambrogi



May 2006 Board of Advisors Agenda.doc AGENDA (Standards Board) 2006(WEB).doc

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

028909

**U.S. ELECTION ASSISTANCE COMMISSION  
Board of Advisors Meeting Agenda  
Washington, D.C.  
May 23 – 24, 2006**

**Tuesday, May 23, 2006**

**Noon – 1:15 P.M. LUNCHEON**

**Brief Welcoming Remarks**

EAC Chairman Paul DeGregorio

Board of Advisors Chair Beverly Kaufman

**EAC Staff Presentations:**

*Katrina Voting Assistance Relief* (Edgardo Cortes);

*Public Access Portals* (Edgardo Cortes);

*Legal On-Line Information Clearinghouse* (Julie Thompson-Hodgkins);

*Design for Democracy* (improvements to ballot design, national voter registration mail-in form and polling place signage) (Karen Lynn-Dyson)

***NOTE: The EAC Standards Board will be meeting simultaneously.***

**1:15 – 1:30 P.M. BREAK**

**1:30 – 2:30 P.M. BOARD OF ADVISORS PLENARY SESSION**

Session Chaired by Beverly Kaufman, Chair

- Appointment of Parliamentarian
- Call of Roll and Appointment of Proxy Committee
- Appointment of Resolutions Committee
- Review of Meeting Book Materials
- Report of Proxy Committee to establish voting strength
- Adoption of Agenda
- Adoption of Minutes of August 2005 Meeting

028910

**2:30 – 4:00 P.M. PRESENTATION AND CONSIDERATION OF DRAFT  
REPORT ON POLL WORKER RECRUITMENT, TRAINING  
AND RETENTION (INCLUDING COLLEGE POLL  
WORKERS)**

Presenters:  
Jennifer Collins-Foley, Pollworker Institute  
Abby Horn, Cleveland State University  
Resource Person: Karen Lynn-Dyson, EAC

**4:00 – 4:15 P.M. BREAK**

**4:15 – 5:30 P.M. PRESENTATION AND CONSIDERATION OF DRAFT  
REPORT ON VOTE COUNT/RECOUNT**

Presenters:  
Dr. Thad Hall, Assistant Professor of Political Science, University  
of Utah  
Doug Chapin, EAC Consultant  
Resource Person: Julie Thompson-Hodgkins, EAC

*NOTE: Attendees on their own for dinner.*

**Wednesday, May 24, 2006**

**8:00 – 8:30 A.M. CONTINENTAL BREAKFAST**

**8:30 – 9:15 A.M. PRESENTATION AND CONSIDERATION OF DRAFT  
REPORT ON PROVISIONAL VOTING**

Presenters:  
Thomas O'Neill: Project Manager, Provisional Voting / Voter  
Identification Research Project  
Edward Foley: Director, Election Law@Moritz (The Ohio State  
University)  
Resource Person: Julie Thompson-Hodgkins, EAC

**9:15 – 10:00 A.M. BRIEFING ON PROPOSED MANAGEMENT GUIDELINES**

Presenters:  
Connie Schmidt, EAC Consultant  
Brit Williams, EAC Consultant  
Resource Person: Brian Hancock, EAC

**10:00 – 10:15 A.M. BREAK**

**10:30 – 11:00 A.M. PRESENTATION AND CONSIDERATION OF DRAFT  
REPORT ON VOTING FRAUD/VOTER INTIMIDATION**

Presenters:  
Job Serebroy, Associate, The Nixon Law Firm

023911

Tova Wang, Democracy Fellow, The Century Foundation  
Resource Person: Juliet Thompson-Hodgkins, EAC

**11:00 – 11:55 A.M. PRESENTATION AND CONSIDERATION OF DRAFT  
REPORT ON VOTER IDENTIFICATION**

Presenters:  
Thomas O'Neill: Project Manager, Provisional Voting / Voter  
Identification Research Project  
Edward Foley, Director, Election Law@Moritz, The Ohio State  
University  
Resource Person: Juliet Thompson-Hodgkins, EAC

**NOON – 1:30 P.M. JOINT LUNCHEON**

**EAC Activities Update**

Brief Remarks by: Chairman Paul DeGregorio  
Vice Chairman Ray Martinez, III  
Commissioner Gracia Hillman

**Presentation: General Update on NIST/TGDC Activities**

Introduction of Speakers: Commissioner Donetta Davidson

Presentors:  
John Wack, NIST

**1:40 – 2:45 P.M. PRESENTATION AND CONSIDERATION OF DRAFT EAC  
ELECTION DAY SURVEY**

Presenters:  
Karen Lynn-Dyson, Research Director, EAC  
Laiza Otero, Research Associate, EAC  
Resource Person: Brian Hancock, EAC

**2:45 – 3:00 P.M. BREAK**

**3:00 – 5:00 P.M. BOARD OF ADVISORS PLENARY SESSION**  
Session Chaired by Beverly Kaufman, Chair

- Election of Officers
- Report of Resolutions Committee  
Chaired by Vice Chairman Chris Thomas
- Other Business

**5:00 P.M.**

**ADJOURN**

028912



**U.S. ELECTION ASSISTANCE COMMISSION  
Standards Board Meeting Agenda  
Washington, D.C.  
May 23 – 24, 2006**

**Tuesday, May 23, 2006**

***NOON – 1:15 P.M.* LUNCHEON**

**Brief Welcoming Remarks**  
Commissioner Ray Martinez III

**EAC Staff Presentations:**  
*Design for Democracy* (improvements to ballot design, national voter registration mail-in form and polling place signage) (Karen Lynn-Dyson);  
*Legal On-Line Information Clearinghouse* (Julie Thompson-Hodgkins);  
*Public Access Portals* (Edgardo Cortes);  
*Katrina Voting Assistance Relief* (Edgardo Cortes).

***1:15 – 1:30 P.M.* BREAK**

***1:30 – 2:30 P.M.* STANDARDS BOARD PLENARY SESSION**  
Session Chaired by Peggy Nighswonger  
Chair, Executive Board

- Appointment of Parliamentarian
- Adoption of Agenda
- Review of Meeting Book Materials
- Presentation of Proposed Permanent Bylaws
- Election of Executive Board Vacancy

***2:30 – 4:00 P.M.* DISCUSSION: DRAFT REPORT ON PROVISIONAL VOTING**

Presenters:  
Thomas O'Neill: Provisional Voting/Voter Identification Study 028916

Edward Foley: Director, Election Law@Moritz (The Ohio State University)

EAC Resource Person: Julie Thompson-Hodgkins

**4:00 – 4:15 P.M. BREAK**

**4:15 – 5:30 P.M. DISCUSSION: DRAFT REPORT ON POLL WORKER RECRUITMENT, TRAINING AND RETENTION (INCLUDING COLLEGE POLL WORKERS)**

Presenters:  
Jennifer Collins-Foley, Pollworker Institute  
Abby Horn, Cleveland State University  
EAC Resource Person: Karen Lynn-Dyson

**NOTE: Attendees on their own for dinner.**

**Wednesday, May 24, 2006**

**8:00 – 8:30 A.M. CONTINENTAL BREAKFAST**

**8:30 – 9:15 A.M. BRIEFING: PROPOSED MANAGEMENT GUIDELINES**

Presenters:  
Connie Schmidt, EAC Consultant  
Brit Williams, EAC Consultant  
EAC Resource Person: Brian Hancock

**9:15 – 10:00 A.M. BRIEFING: DRAFT REPORT ON VOTE COUNT/RECOUNT**

Presenters:  
Dr. Thad Hall, Assistant Professor of Political Science, University of Utah  
Doug Chapin, EAC Consultant  
EAC Resource Person: Peggy Sims

**10:00 – 10:15 A.M. BREAK**

**10:30 – 11:00 A.M. DISCUSSION: DRAFT EAC ELECTION DAY SURVEY**

Presenters:  
Karen Lynn-Dyson, Research Director, EAC  
Laiza Otero, Research Associate, EAC

**11:00 – 11:55 P.M. BRIEFING: DRAFT REPORT ON VOTING FRAUD/VOTER INTIMIDATION**

Presenters:  
Job Serebrov, Associate, The Nixon Law Firm  
Tova Wang, Democracy Fellow, The Century Foundation

028914

EAC Resource Person: Peggy Sims

***NOON – 1:30 P.M.***    **JOINT LUNCHEON**

***EAC Activities Update***

Brief Remarks by:    Chairman Paul DeGregorio  
                                 Vice-Chairman Ray Martinez III  
                                 Commissioner Gracia Hillman

***Presentation: General Update on NIST/TGDC Activities***

Introduction of Speaker: Commissioner Donetta Davidson

Presenters:  
John Wack, NIST

***1:40 – 2:45 P.M.***    **DISCUSSION: DRAFT REPORT ON VOTER IDENTIFICATION**

Presenters:  
Thomas O'Neill, Provisional Voting/Voter Identification Study  
Edward Foley, Director, Election Law@Moritz, The Ohio State University  
EAC Resource Person: Julie Thompson-Hodgkins

***2:45 – 3:00 P.M.***    **BREAK**

***3:00 – 5:00 P.M.***    **STANDARDS BOARD PLENARY SESSION**  
Session Chaired by Peggy Nighswonger, Chair, Executive Board

Discussion and consideration of Standards Board business.

***5:00 P.M.***    **ADJOURN**

028915

Margaret Sims /EAC/GOV  
05/17/2006 01:01 PM

To Adam Ambrogi/EAC/GOV@EAC, Amie J.  
Sherrill/EAC/GOV@EAC

cc

bcc

Subject Handouts for Board Meetings

Adam and Amie:

Attached are the status report on the Voting Fraud-Voter Intimidation research project and two versions of the PowerPoint presentation from our Vote Count/Recount contractor (one with the first slide labeled for the EAC Standards Board; the other with the first slide labeled for the Board of Advisors). --- Peggy



.EAC Boards VF-VI Status Report.doc Best Practices STANDARDS.ppt Best Practices Advisors.ppt

028916

**Deliberative Process  
Privilege**



**U.S. ELECTION ASSISTANCE COMMISSION**

**Status Report on the  
Voting Fraud-Voter Intimidation Research  
Project**

**May 17, 2006**

028917

## INTRODUCTION

Section 241 of the Help America Vote Act of 2002 (HAVA) requires EAC to conduct research on election administration issues. Among the tasks listed in the statute is the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- ways of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that the agency make research on these matters a high priority.

## FOCUS OF CURRENT RESEARCH

In September 2005, the Commission hired two consultants with expertise in this subject matter, Job Serebrov and Tova Wang, to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;
- establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;
- provide the description of what constitutes voting fraud and voter intimidation and the results of the preliminary research to the working group, and convene the working group to discuss potential avenues for future EAC research on this topic; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;

As of the date of this report, the consultants have drafted a definition of election fraud, reviewed relevant literature and reports, interviewed persons from government and private sectors with subject matter expertise, analyzed news reports of alleged election fraud, reviewed case law, and established a project working group.

## DEFINITION OF ELECTION FRAUD

The consultants drafted a definition of election fraud that includes numerous aspects of voting fraud (including voter intimidation, which is considered a subset of voting fraud) and voter registration fraud, but excludes campaign finance violations and election administration mistakes. This draft will be discussed and probably refined by the project working group, which is scheduled to convene on May 18, 2006.

## LITERATURE REVIEW

The consultants found many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. They found little research that is truly systematic or scientific. The most systematic look at fraud appears to be the report written by Lori Minnite, entitled "Securing the Vote: An Analysis of Election Fraud". The most systematic look at voter intimidation appears to be the report by Laughlin McDonald, entitled "The New Poll Tax". The consultants found that books written about this subject all seem to have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Moreover, the consultants found that reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book, "Stealing Elections".

Consultants found that researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate; but some reports say it is a major problem, albeit hard to identify.

- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

### **Recommendations**

The consultants recommend that subsequent EAC research include a follow up study of allegations made in reports, books and newspaper articles. They also suggest that the research should focus on filling the gap between the lack of reports based on methodical studies by social or political scientists and the numerous, but less scientific, reports published by advocacy groups.

### **INTERVIEWS**

The consultants jointly selected experts from the public and private sector for interviews. The consultants' analysis of their discussions with these members of the legal, election official, advocacy, and academic communities follows.

### **Common Themes**

- There is virtually universal agreement that absentee ballot fraud is the biggest problem, with vote buying and registration fraud coming in after that. The vote buying often comes in the form of payment for absentee ballots, although not always. Some absentee ballot fraud is part of an organized effort; some is by individuals, who sometimes are not even aware that what they are doing is illegal. Voter registration fraud seems to take the form of people signing up with false names. Registration fraud seems to be most common where people doing the registration were paid by the signature.
- There is widespread but not unanimous agreement that there is little polling place fraud, or at least much less than is claimed, including voter impersonation, "dead" voters, noncitizen voting and felon voters. Those few who believe it occurs often enough to be a concern say that it is impossible to show the extent to which it happens, but do point to instances in the press of such incidents. Most people believe that false registration forms have not resulted in polling place fraud,

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although it may create the perception that vote fraud is possible. Those who believe there is more polling place fraud than reported/investigated/prosecuted believe that registration fraud does lead to fraudulent votes. Jason Torchinsky from the American Center for Voting Rights is the only interviewee who believes that polling place fraud is widespread and among the most significant problems in the system.

- Abuse of challenger laws and abusive challengers seem to be the biggest intimidation/suppression concerns, and many of those interviewed assert that the new identification requirements are the modern version of voter intimidation and suppression. However there is evidence of some continued outright intimidation and suppression, especially in some Native American communities. A number of people also raise the problem of poll workers engaging in harassment of minority voters. Other activities commonly raised were the issue of polling places being moved at the last moment, unequal distribution of voting machines, videotaping of voters at the polls, and targeted misinformation campaigns.
- Several people – including representatives from the Department of Justice (DOJ) - indicate that, for various reasons, DOJ is bringing fewer voter intimidation and suppression cases now, and has increased its focus on matters such as noncitizen voting, double voting, and felon voting. While DOJ's Voting Section, Civil Rights Division, focuses on systemic patterns of malfeasance, the Election Crimes Branch, Public Integrity Section, has increased prosecutions of individual instances of felon, alien, and double voting at the same time as it maintains an aggressive pursuit of systematic schemes to corrupt the electoral process.
- The problem of badly kept voter registration lists, with both ineligible voters remaining on the rolls and eligible voters being taken off, remains a common concern. A few people are also troubled by voters being on registration lists in two states. They said that there was no evidence that this had led to double voting, but it opens the door to the possibility. There is great hope that full implementation of the new requirements of HAVA – done well, a major caveat – will reduce this problem dramatically.

#### **Common Recommendations:**

- Many of those interviewed recommend better poll worker training as the best way to improve the process; a few also recommended longer voting times or voting on days other than election day (such as weekends) but fewer polling places so only the best poll workers would be employed.
- Many interviewed support stronger criminal laws and increased enforcement of existing laws with respect to both fraud and intimidation. Advocates from across the spectrum expressed frustration with the failure of the Department of Justice to pursue complaints.