----- Original Message -----
From: Margaret Sims
Sent: 10/13/2006 01:30 PM
To: Thomas Wilkey; Diana Scott
Cc: Edgardo Cortes; Bola Olu
Subject: Fw: Funding

FYI.

----- Forwarded by Margaret Sims/EAC/GOV on 10/13/2006 01:22 PM -----
"Carrera, James A" [redacted]

10/10/2006 12:35 PM

To psims@eac.gov
cc
Subject Funding

Peggy,

As noted in our recent status report, 75 percent of contract funding has been reached. The attached is submitted in accordance with the contract requirements.

If you have any questions pleased contact me.

Regards,
Jim

James Carrera / KPMG LLP / [redacted] ***/ 703 286-8106 (office) / 202 390-2781 (cell) / 703 995-0325 (fax) /***

****
The information in this email is confidential and may be legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorized.
If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. When addressed to our clients any opinions or advice contained in this email are subject to the terms and conditions expressed in the governing KPMG client engagement letter.
****

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Margaret Sims/EAC/GOV
09/27/2006 12:51 PM

To Bryan Whitener
cc Juliet E. Hodgkins/EAC/GOV@EAC, Karen

Lynn-Dyson/EAC/GOV@EAC
Subject Status Report on Voting Fraud-Voter Intimidation Study

Bryan:

An electronic copy of the status report is attached, as requested for the USA Today inquiry. The status report includes the attachment listing the Working Group members. I suggest that you check to ensure that I have protected the copy against any manipulation, and protect it yourself if I have not, before sending it out to anyone. --- Peggy

EAC Boards VF-VI Status Report.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Jeannie Layson/EAC/GOV
10/12/2006 04:20 PM

To Thomas R. Wilkey/EAC/GOV@EAC
cc ggilmour@eac.gov, jthompson@eac.gov, klynndyson@eac.gov, psims@eac.gov
Subject Re: Brennan Center letter

Who is signing the letter?

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

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Thomas R. Wilkey/EAC/GOV
10/12/2006 04:27 PM

To Jeannie Layson/EAC/GOV@EAC
cc ggilmour@eac.gov, jthompson@eac.gov, klynndyson@eac.gov, psims@eac.gov
Subject Re: Brennan Center letter

I will IF they sign off on it

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

Jeannie Layson/EAC/GOV

10/12/2006 04:20 PM

To Thomas R. Wilkey/EAC/GOV@EAC
cc ggilmour@eac.gov, jthompson@eac.gov, klynndyson@eac.gov, psims@eac.gov
Subject Re: Brennan Center letter Link

Who is signing the letter?

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

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Jeannie Layson/EAC/GOV

10/12/2006 04:14 PM

To twilkey@eac.gov, psims@eac.gov, jthompson@eac.gov, ggilmour@eac.gov
cc
Subject Fw: reporter - Art Levine, Salon.com

See questions below. I can answer the first two, but see if this language is acceptable for questions 3 and 4.

Can I get full report submitted by Tova Wang? If not, why not? EAC staff is currently reviewing the data, and we have not compiled a final report. I will make sure you receive the final report when it is issued.

This answer will probably not make him happy, but it's the best I can come up with. Suggestions?

----- Forwarded by Jeannie Layson/EAC/GOV on 10/12/2006 04:06 PM -----
Bryan Whitener/EAC/GOV

10/12/2006 04:09 PM

To Jeannie Layson/EAC/GOV@EAC
cc
Subject reporter - Art Levine, Salon.com

Art Levine
Salon.com
[redacted]
202.248.9320
deadline today or tomorrow

What exactly is the document USA Today refers to ?
Is it a report or just a staff document ?
Can I get full report submitted by Tova Wang ?
If not, why not ?

FYI
Google search shows this on the DLC website
http://www.dlc.org/ndol_ci.cfm?kaid=139&subid=275&contentid=253439

Art Levine
Senior Fellow
Progressive Poliy Institute
3003 Van Ness St. NW, Apt. W-516
Washington, D.C. 20008
(202) 248-9320
[redacted]

Also,

Salon's shameful six

There was Florida in 2000 and Ohio in 2004. Here are the six states where vote suppression could cost voters their voice -- and Democrats the election -- in 2006.

Salon News
By Art Levine

Eva Steele has a son in the military who is supposed to be fighting for freedom in Iraq, but sitting in a wheelchair in her room in a Mesa, Ariz., assisted-living facility, she wonders why it's so hard for her to realize a basic freedom back here in America: the right to vote.

Arriving in Arizona in January from Kansas City, weakened by four heart attacks and degenerative disk disease, Steele, 57, discovered that without a birth certificate she can't register to vote. Under a draconian new Arizona law that supposedly targets illegal immigrants, she needs proof of citizenship and a state-issued driver's license or photo I.D. to register. But her van and purse were stolen in the first few weeks after she moved to Mesa, and with her disability checks going to rent and medicine, she can't afford the $15 needed to get her birth certificate from Missouri. Her wheelchair makes it hard for her to navigate the bus routes or the bureaucratic maze required to argue with state bureaucrats. She's unable to overcome the hurdles thrown in her way -- and in the way of as many as 500,000 other Arizona residents -- by the state's Republican politicians.

###

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Jeannie Layson/EAC/GOV
10/12/2006 10:59 AM

To Thomas.Hicks@mail.house.gov
cc
Subject Research update

Tom,
Per our conversation, attached is the update the Standards Bd. and Bd. of Adv. received at their May meeting. That's all it was -- a status report. And we clearly stated in our Fed. Register notice that we would deliver an update on our research projects. And this meeting was open to the public.

Take care, and let's get together soon. Let me know if you need anything else.

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

www.eac.gov VF-VI Study Status 5-17-06.pdf

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Jeannie Layson/EAC/GOV
10/12/2006 05:26 PM

To ghillman@eac.gov, pdegregorio@eac.gov, ddavidson@eac.gov
cc twilkey@eac.gov, jthompson@eac.gov, ggilmour@eac.gov, psims@eac.gov, klynndyson@eac.gov, bwhitener@eac.gov
Subject FOR YOUR APPROVAL

Commissioners,
Wendy Weiser of the Brennan Center has requested some of the information that was distributed to the Bd. of Adv. and the Standards Bd. at the May meeting. Her request is below. Attached is a draft letter that I

suggest accompany the information we provide. Also enclosed would be the resolutions passed by both entities. Please let me know if the letter meets your approval. (The letter would be from Tom.)

I write to request a copy of the following two reports submitted to the Election Assistance Commission:

(1) a report on voter fraud and voter intimidation, outlining a future research agenda, prepared by Tova Wang and Job Serebrov, and discussed in this morning's USA TODAY;

(2) a report on provisional ballots and voter ID, prepared by the Moritz School of Law at Ohio State University in collaboration with others.

It is my understanding that these reports were commissioned by and submitted to the EAC several months ago. It is in the public interest to release these reports since they will advance the public discussion and understanding of important election administration issues.

Thank you very much for your attention to this request. Please let me know when I can expect to receive a copy of these reports. If this request is denied, please provide an explanation as to why.

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

www.eac.gov brennan center letter.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

08/22/2006 02:44 PM

To "Campbell, Benton" <Benton.Campbell@usdoj.gov>, "Simmons, Nancy" <Nancy.Simmons@usdoj.gov>

cc psims@eac.gov

Subject FW: Does EAC have access to stats on --

Ben - -

This forwards a short e-mail chain between me and Peg Sims at the EAC. Peg is an institution where this sort of thing is concerned and if there were national stats available she would be the first place I would go - - which come to think of it is why I did!

Her remarks bring-up another issue: apples and oranges.

There are a lot of categories of crime that could arguably fit under the umbrella of "election crime" but which would not be the sort of thing we would find useful for present purposes. Examples would be theft of election materials unrelated to an intent to corrupt the election, campaigning or assaults in or near polls, "campaign slander" (i.e., lying about one's opponent) which is not a federal crime but is potentially a crime in 20 or so states, corruption in the procurement of election equipment (i.e., Louisiana had a recent high

profile case against its secretary of state who took bribes from voting equipment vendors in exchange for buying their machines). This stuff is criminal, but it dopes not involve corruption of them electoral process itself.

Also, some local prosecutors who do enforce the laws dealing with particularly vote buying - - for various reasons - - chose to prosecute the voters for selling their votes rather than the corrupt political operatives who buy the votes. Many times this is simply because slamming the voter rather than the corrupt pols is easier, quicker and does not entangle the prosecutor in the caldron of local politics. In other instances it is more sinister: I am aware of several instances where local prosecutors tried to charge voters whose names surfaced as people whose votes locally prominent pols had been bought in order to silence them in the federal case. Federally, we usually treat the voters as victims and go after those who tried to purchase their birthright. In one case in Western North Carolina, the target of our case was a local DA. When our indictment against him was returned it named the voters whose votes he was being charged with having bought (we try to avoid this now!). His first act of defense was to charge all these voters with selling their votes under N.C. law. We had to intercede for him - - through the U.S. Attorney at that time - -with the N.C. Governor to pardon these voters so that they could testify concerning the material facts without incriminating themselves.

My point here is this:

Even if we can get some State stats, since the State concept of "election crime" and ours is usually different, and since state prosecutors often approach this type of case from an entirely different perspective than we do at the federal level, State stats will likely have minimal value to substantiating the thesis we are trying to advance: that local law enforcement in the election crime area is not adequate.
----- Message from psims@eac.gov on Tue, 22 Aug 2006 14:09:06 -0400 -----

To: "Donsanto, Craig" <Craig.Donsanto@crm.usdoj.gov>

Subject: RE: Does EAC have access to stats on --

We don't have a summary in numbers. We just have a summary of cases, some of which do not appear to reach the level of election fraud, and the charts of newspaper articles, some of which only contain allegations and some of which report convictions. These charts were on the CD I sent you before the Working Group meeting. Unfortunately, we have a long way to go before we have what I would classify as statistics.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

08/22/2006 01:54 PM

To psims@eac.gov
cc
Subject RE: Does EAC have access to stats on --

Peggy - - I can take whatever you got!!! What does the data you got show?

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, August 22, 2006 1:53 PM
To: Donsanto, Craig
Subject: Re: Does EAC have access to stats on --

No reliable, comprehensive data --- just the preliminary research results from case law, literature review, and interviews. --- Peggy

"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>

08/22/2006 12:50 PM

To psims@eac.gov, bhancock@eac.gov
cc "Campbell, Benton" <Benton.Campbell@usdoj.gov>, "Simmons, Nancy" <Nancy.Simmons@usdoj.gov>
Subject Does EAC have access to stats on --

-- State and local level prosecutions dealing with electoral fraud?

This message was brought to you by Dr. D's fabulous Blackberry!

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

"Tova Wang"
<wang@tcf.org>

10/03/2006 10:41 AM

To "'Ambrogi, Adam (Rules)'" <Adam_Ambrogi@rules.senate.gov>, psims@eac.gov
cc
Subject RE: Chapin Survey

Thanks Adam. As the current project moves forward and then proceeds to phase 2, this will be a great resource I'm sure. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

From: Ambrogi, Adam (Rules) [mailto:Adam_Ambrogi@rules.senate.gov]
Sent: Monday, October 02, 2006 11:39 AM
To: psims@eac.gov; wang@tcf.org
Subject: Chapin Survey

Peggy and Tova:

I know that we had been looking for a state survey of election fraud and intimidation statutes—as you may have seen, doug chapin recently released a report on this info-attached here. I hope all is well with the both of you.

Best regards,
Adam

Adam D. Ambrogi
Democratic Professional Staff Member
Senate Committee on Rules and Administration
Russell Senate Office Building, Room 479
Washington, D.C. 20510
202-224-0279

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Margaret Sims/EAC/GOV
10/13/2006 04:40 PM

To Jeannie Layson/EAC/GOV
cc twilkey@eac.gov
Subject Fw: Don't Believe Everything You Read

Jeannie:

Attached is the email I sent to Tova and Job, and Job's response. (I have not yet heard back from Tova.)

--- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 10/13/2006 04:37 PM -----

"Job Serebrov"
<[redacted]
10/13/2006 03:26 PM

To psims@eac.gov, wang@tcf.org
cc
Subject Re: Don't Believe Everything You Read

Peg:

We saw both the USA Today article and a similar thing was reported on Rush Limbaugh's show naming both of us. I had a talk this morning with folks at the EAC. I told them at this point there needs to be a press release sent out by the Chairman saying just what you stated. This is the only way to rehabilitate the work we did, the Chairman's credibility, and our reputations. I also fear that if this is not done the EAC will begin to receive calls from Congressman and Senators regarding the "report" and its effect on voter ID requirements.

Peg, up to now Tova and I have refused to speak with the press at all out of respect for the EAC and its mission. We both stand by our work and its conclusions. We both also feel that if a statement (as well phrased as you did in this e-mail clarifying the issue) is not forthcoming from the Chairman then I will have to correct this error with the Press. I explained this in my conversation this morning with the EAC.

Tova and I worked hard to produce a correct, accurate and truthful report. I could care less that the results are not what the more conservative members of my Party wanted. Neither one of us was willing to conform results for political expediency. I think its important for me to note that I was very impressed with Tova's members of the Working Group and I can't say enough about Tova's partnership effort in this endeavor. While neither one of us really care about outside opinions, we do care that the Chairman was quoted or misquoted in a way that would disparage our year-long effort and all of the tax payer money that went into it. For this reason, we believe that a press release clarifying the situation is necessary from either the Chairman or from me.

Regards,

Job

psims@eac.gov wrote:

Tova and Job:

I am home recuperating, but see that in my absence, a USA Today article has gotten everyone stirred up. The report to which the article refers is only the status report on the voting fraud-voter intimidation research project that was delivered to our Standards Board and Board of Advisors last spring. I provided a copy of this document to both of you. but have attached another copy for your information. This

document is subject to public release because it was presented at a pubic meeting.

Due to internal resource allocation problems, your final report has not yet been reviewed by the Commissioners. It is considered a working document (not subject to public release) until it has completed the review process and the Commissioners have agreed to release it. There has been no attempt by the Commission to hold up the report. I bear responsibility for any delays in moving it along. Please be reassured that we would not release your report without letting you know.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Jeannie Layson/EAC/GOV
10/13/2006 04:11 PM

To psims@eac.gov
cc
Subject job and tova

Please forward me the email you sent Tova and Job, as he is calling me and I want to make sure I understand what is being communicated to them. Thank you.

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

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Jeannie Layson/EAC/GOV
10/11/2006 08:22 AM

To pdegregorio@eac.gov, ghillman@eac.gov, ddavidson@eac.gov
cc twilkey@eac.gov, jthompson@eac.gov, psims@eac.gov, bwhitener@eac.gov
Subject USA Today

See story below that ran in today's USA Today. This reporter requested the info a few weeks ago, and we had to release it b/c it was distributed at a Standards Bd. meeting, which is considered a public venue.

Also, the document was not labeled draft.

I anticipate that we may get questions about why we haven't released it. I propose the following response. Please let me know if you approve. The story follows.

"This was a preliminary report presented to our oversight committees. The EAC is waiting on a final report, which we will release upon its completion."

Report refutes fraud at poll sites

Updated 10/11/2006 8:05 AM ET

By Richard Wolf, USA TODAY

WASHINGTON — At a time when many states are instituting new requirements for voter registration and identification, a preliminary report to the U.S. Election Assistance Commission has found little evidence of the type of polling-place fraud those measures seek to stop.

USA TODAY obtained the report from the commission four months after it was delivered by two consultants hired to write it. The commission has not distributed it publicly.

NEW LAWS: Thousands of voters shut out

At least 11 states have approved new rules for independent voter-registration drives or requirements that voters produce specific forms of photo ID at polling places. Several of those laws have been blocked in court, most recently in Arizona last week. The House of Representatives last month approved a photo-ID law, now pending in the Senate.

The bipartisan report by two consultants to the election commission casts doubt on the problem those laws are intended to address. "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, non-citizen voting and felon voters," the report says.

The report, prepared by Tova Wang, an elections expert at the Century Foundation think tank, and Job Serebrov, an Arkansas attorney, says most fraud occurs in the absentee ballot process, such as through coercion or forgery. Wang declined to comment on the report, and Serebrov could not be reached for comment.

Others who reviewed the report for the election commission differ on its findings. Jon Greenbaum of the liberal Lawyers' Committee for Civil Rights Under Law says it was convincing. The committee wrote to the commission Friday seeking its release.

Conservatives dispute the research and conclusions. Thor Hearne, counsel to the American Center for Voting Rights, notes that the Justice Department has sued Missouri for having ineligible voters registered, while dead people have turned up on the registration rolls in Michigan. "It is just wrong to say that this isn't a problem," he says.

That's one reason the commission decided not to officially release the report. "There was a division of opinion here," Chairman Paul DeGregorio says. "We've seen places where fraud does occur."

The consultants found little evidence of that. Barry Weinberg, former deputy chief of the voting section in the Justice Department's civil rights division, reviewed their work. "Fraud at the polling place is generally difficult to pull off," he says. "It takes a lot of planning and a lot of coordination."

Jeannie Layson
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Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

---- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM ----

Gracia Hillman/EAC/GOV
10/11/2006 09:54 AM

To Jeannie Layson/EAC/GOV@EAC
cc bwhitener@eac.gov, ddavidson@eac.gov, jthompson@eac.gov, pdegregorio@eac.gov, psims@eac.gov, twilkey@eac.gov
Subject Re: USA Today

The proposed response sounds okay but the story is out. Other media may want the information. That the material given USA Today wasn't identified as draft or preliminary findings is now our problem.

I hope we are working post haste to have the report ready to release less we be seen as trying to bury this. It seems to me that other articles will be written, if not from the document that we sent to USA Today, then certainly from the USA Today article as the source document.

---- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM ----

Thomas R. Wilkey/EAC/GOV
09/22/2006 05:17 PM

To Bryan Whitener/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC
cc Jeannie Layson/EAC/GOV@EAC
Subject Re: Media request - USA Today

My intial reaction is that both reports are currently under review by EAC staff.
I will entertain other thoughts but that is pretty much the what is the situation right now.
Both research projects were desgined to give the EAC issues and recommendations in both of these areas and are currently being reviewd.
As a matter of fact the report from our consultants on Voter fraud and Intimaation has not been forwarded by staff to the Commissioers but Peg will need to weigh in on that.

Sent from my BlackBerry Wireless Handheld
Bryan Whitener

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

From: Bryan Whitener
Sent: 09/22/2006 05:10 PM
To: Margaret Sims; Karen Lynn-Dyson; Thomas Wilkey; Juliet Hodgkins; Gavin Gilmour
Cc: Jeannie Layson
Subject: Media request - USA Today

All

Richard Wolf of USA Today called and asked for the following. Jeannie and I ask that you consider this carefully and let us know ASAP what to provide .

(1) The status report on voter fraud and consultant update that was presented to the advisory boards in May, 2006.

(2) The status of the required guidance document on provisional voting and voter ID that is referenced in the following passage in today's Electionline Weekly by Doug Chapin.

> In addition to the EAC's considerable election management responsibilities (especially in the area of voting equipment certification and testing), the agency has key policy issues to resolve in the immediate to near-term future, including a required guidance document on provisional voting and voter ID (now nearly two years overdue) and continued regulatory oversight over state implementation of "motor voter". This latter issue will almost certainly involve questions about the intersection of state and federal laws on voter registration - questions which divided the Commission when applied to Arizona, and could divide it again as Republicans and Democrats continue their traditional struggle to balance access to the franchise with concerns about the potential for fraud at the polls.

Thanks,
Bryan

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Thomas R. Wilkey/EAC/GOV
10/12/2006 04:19 PM

To Jeannie Layson/EAC/GOV@EAC
cc ggilmour@eac.gov, jthompson@eac.gov, klynndyson@eac.gov, psims@eac.gov
Subject Re: Brennan Center letter

I like this..it needs to go to the 3 C's for review and approval.
We also need to be prepared as to what happens when they receive it.
Thanks for your help.
Tom

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

Jeannie Layson/EAC/GOV

10/12/2006 04:08 PM

To twilkey@eac.gov

cc jthompson@eac.gov, ggilmour@eac.gov, klynndyson@eac.gov, psims@eac.gov

Subject Brennan Center letter

Tom,
A draft letter is attached. I've incorporated comments from Gavin and Julie.

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

www.eac.gov brennan center letter.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Margaret Sims/EAC/GOV

09/25/2006 12:36 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, twilkey@eac.gov

cc Karen Lynn-Dyson/EAC/GOV@EAC

Subject Preparation for Vote Fraud Conference in Utah

Matt (and Amy) are working on a speech for the Chairman to deliver at the Vote Fraud conference in Utah at the end of the week. Matt has asked for the consultants' definition of vote fraud/voter intimidation and the draft recommendations. As neither have been through full Commission review, I would like to speak with one or both of you before I drop this information in any one Commissioner's lap. Matt is looking for this information today. FYI, attached are copies of the consultants' definition and the draft recommendations from the consultants and others from the working group. Also attached is a summary of concerns expressed by the working group. --- Peggy

Fraud Project Definition-rev 6-27.doc RECOMMENDATIONS - final2.doc Working Group Recommendations final.doc

Key Working Group Comments and Observations AND concerns final.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Bryan Whitener/EAC/GOV

10/11/2006 05:29 PM

To Paul DeGregorio/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC

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

Hodgkins/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC
Subject AP voter fraud story posted

Report: Voter fraud may be overstated

By WILL LESTER
Associated Press Writer
Oct 11, 4:40 PM EDT
October 11, 2006

WASHINGTON (AP) -- The most common form of voter fraud involves absentee ballots, including forgery and coercion in getting older or ailing voters to fill them out, according to a preliminary report to the U.S. Election Assistance Commission.

But the report, delivered in May, suggested that reports of polling place fraud involving "dead" voters and voting by felons and non-citizens might be overstated. The researchers said there is far more anecdotal evidence about voter fraud than specific verifiable claims.

"On balance, more researchers find it to be less of a problem than is commonly described in political debate," the report said.

"Many times people put their own partisan spin on voter fraud and voter intimidation," EAC Chairman Paul DeGregorio said Wednesday.

DeGregorio said the report was only preliminary and cautioned that more investigation is needed to understand the amount of voter fraud in this country.

"Many times you see people attempting to commit fraud, but it never gets to the level of being reported," said DeGregorio, a former elections official in St. Louis. He noted a case of more than 1,400 suspect voter registration cards being investigated in St. Louis.

The preliminary report was prepared by Tova Wang, an elections expert at the Century Foundation think tank and Job Serebrov, an Arkansas attorney.

Conservatives have argued the problem of voter fraud is severe in some states, while liberals generally argue that voters face too many restrictions.

New state laws requiring voters to present identification at polling places have faced legal challenges in states such as Arizona and Georgia.

"It's absolutely a serious problem," said Thor Hearne, counsel to the American Center for Voting Rights. "It's an unfortunate reality, particularly in battleground states."

Those problems include voter fraud and voter intimidation, he said.

The final voter fraud report is expected after the Nov. 7 midterm elections, DeGregorio said.

###

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Jeannie Layson/EAC/GOV
10/12/2006 10:32 AM To tokaji.1@osu.edu

cc

Subject today's posting

Dan,
Just wanted to let you know that the USAT article is not about a research report but a "status" report, which was presented to the Standards Bd. and the Bd. of Advisors at a meeting held in May. During this meeting, these entities received updates on many EAC activities, and the aforementioned status report was just one of those updates. And by the way, the meeting was open to the public, and posted on our website and in the Fed. Register. In the Fed. Register notice you'll see that the agenda included an update on our research projects.

Please let me know if you have any questions. Thank you for your consideration in this matter.

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

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Thomas R. Wilkey/EAC/GOV
10/12/2006 04:26 PM

To Jeannie Layson/EAC/GOV@EAC

cc ggilmour@eac.gov, jthompson@eac.gov, psims@eac.gov

Subject Re: Fw: reporter - Art Levine, Salon.com

A.) The "report" they refer to was a status report written by staff
B.) The full report is currently being reviewed by staff and the report was intended to give recommendations to the EAC on how and what to do additional studies or guidance on.
C.) the report will be available at some future time after staff has had an opportunity to review and evaluate it's contents.

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
1225 New York Ave, NW - Suite 1100
Washington, DC 20005

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

Jeannie Layson/EAC/GOV

10/12/2006 04:14 PM

To twilkey@eac.gov, psims@eac.gov, jthompson@eac.gov, ggilmour@eac.gov
cc
Subject Fw: reporter - Art Levine, Salon.com

See questions below. I can answer the first two, but see if this language is acceptable for questions 3 and 4.

Can I get full report submitted by Tova Wang? If not, why not? EAC staff is currently reviewing the data, and we have not compiled a final report. I will make sure you receive the final report when it is issued.

This answer will probably not make him happy, but it's the best I can come up with. Suggestions?

----- Forwarded by Jeannie Layson/EAC/GOV on 10/12/2006 04:06 PM -----
Bryan Whitener/EAC/GOV

10/12/2006 04:09 PM

To Jeannie Layson/EAC/GOV@EAC
cc
Subject reporter - Art Levine, Salon.com

Art Levine
Salon.com
[redacted]
202.248.9320
deadline today or tomorrow

What exactly is the document USA Today refers to ?
Is it a report or just a staff document ?
Can I get full report submitted by Tova Wang ?
If not, why not ?

FYI
Google search shows this on the DLC website
http://www.dlc.org/ndol_ci.cfm?kaid=139&subid=275&contentid=253439

Art Levine
Senior Fellow
Progressive Poliy Institute
3003 Van Ness St. NW, Apt. W-516
Washington, D.C. 20008
(202) 248-9320
[redacted]

Also,

Salon's shameful six

There was Florida in 2000 and Ohio in 2004. Here are the six states where vote suppression could cost voters their voice -- and Democrats the election -- in 2006.

Salon News
By Art Levine

Eva Steele has a son in the military who is supposed to be fighting for freedom in Iraq, but sitting in a wheelchair in her room in a Mesa, Ariz., assisted-living facility, she wonders why it's so hard for her to realize a basic freedom back here in America: the right to vote.

Arriving in Arizona in January from Kansas City, weakened by four heart attacks and degenerative disk disease, Steele, 57, discovered that without a birth certificate she can't register to vote. Under a draconian new Arizona law that supposedly targets illegal immigrants, she needs proof of citizenship and a state-issued driver's license or photo I.D. to register. But her van and purse were stolen in the first few weeks after she moved to Mesa, and with her disability checks going to rent and medicine, she can't afford the $15 needed to get her birth certificate from Missouri. Her wheelchair makes it hard for her to navigate the bus routes or the bureaucratic maze required to argue with state bureaucrats. She's unable to overcome the hurdles thrown in her way -- and in the way of as many as 500,000 other Arizona residents -- by the state's Republican politicians.

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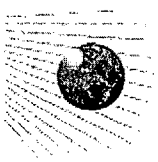
----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----



Paul DeGregorio/EAC/GOV
09/27/2006 12:36 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Last Submission from Vote Fraud-Voter Intimidation Consultants

No big deal--and no big delay. Don't worry about it.

Paul DeGregorio
Chairman
US Election Assistance Commission

1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV
09/27/2006 12:18 PM

To pdegregorio@eac.gov
cc
Subject Last Submission from Vote Fraud-Voter Intimidation Consultants

Dear Mr. Chairman:

The last submission from the Vote Fraud-Voter Intimidation Study consultants is dated August 8. At this time, EAC staff are reviewing all items submitted for the report to the Commission with an eye toward the best way of presenting the information to the Commissioners for their consideration. There has been some delay in this staff review process, for which I take full responsibility.

Peggy Sims
Election Research Specialist

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Jeannie Layson/EAC/GOV
10/12/2006 02:03 PM

To twilkey@eac.gov
cc jthompson@eac.gov, psims@eac.gov, ggilmour@eac.gov, klynndyson@eac.gov
Subject response to Wendy Weiser

Attached is a proposed draft. I have to get this resolved ASAP as she is demanding a delivery time from me. I literally cannot answer my phone. Unfortunately, the Brennan Center can and will make a big stink if we don't respond. We don't need more accusations about us sitting on research.

The letter would be accompanied by the resolutions passed at the May meetings.

And, I need to know who is supposed to sign this letter.

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

www.eac.gov brennan center letter.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Jeannie Layson/EAC/GOV
10/12/2006 01:18 PM

To twilkey@eac.gov
cc klynndyson@eac.gov, jthompson@eac.gov, ggilmour@eac.gov, psims@eac.gov
Subject Brennan Center

Please note that Wendy Weiser has asked me to provide a time frame for when I will provide the following documents. Tom, per our conversation, I can write a letter, but how do we address her request for the voter ID info? Also, is this something Karen should handle as these are for research docs? I need an answer soon...

Mr. Whitener,

I write to request a copy of the following two reports submitted to the Election Assistance Commission:

(1) a report on voter fraud and voter intimidation, outlining a future research agenda, prepared by Tova Wang and Job Serebrov, and discussed in this morning's USA TODAY;

(2) a report on provisional ballots and voter ID, prepared by the Moritz School of Law at Ohio State University in collaboration with others.

It is my understanding that these reports were commissioned by and submitted to the EAC several months ago. It is in the public interest to release these reports since they will advance the public discussion and understanding of important election administration issues.

Thank you very much for your attention to this request. Please let me know when I can expect to receive a copy of these reports. If this request is denied, please provide an explanation as to why.

Sincerely,

Wendy R. Weiser

Deputy Director, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue of the Americas, 12th Floor
New York, NY 10013
(212) 998-6130 (direct)
(212) 995-4550 (fax)
wendy.weiser@nyu.edu

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
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www.eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Margaret Sims/EAC/GOV
10/13/2006 04:18 PM

To Jeannie Layson/EAC/GOV@EAC
cc twilkey@eac.gov
Subject Research Project Descriptions

Jeannie:

Here are the changes I suggested for the Vote Count-Recount and the Voting Fraud-Voter Intimidation research projects. I don't think they will help the current situation much, as the original VF-VI description already stated that it is preliminary research. As it is preliminary research, we did not expect that it would provide a total picture of voting fraud and voter intimidation in this country. We just wanted to get some sense of what is going on, and a better idea of the direction future EAC research on the subject should take. To ensure that the research would be balanced, we had consultants and project working group members from opposing sides of the political spectrum.

According to folks intimately familiar with the development of HAVA, disputes over the extent to which voting fraud and voter intimidation existed caused Congress to add the study of these subjects to EAC's list of research projects. Given the nature of the subject (most offenders try to hide their activities, sufficient evidence is hard come by with some types of activity, and prosecution of offenses may not occur for political or budgetary reasons), it is doubtful that we will ever have completely reliable statistics on occurrences of voting fraud and voter intimidation, but we may be able to obtain better statistics than anyone else has. And we should be able to identify where in the voting process most offenses tend to occur and to explore alternatives for addressing vulnerabilities that leave the process open to corruption.
--- Peggy

Rev Descriptions for Web Site Descriptions of Vote Counts- Recounts and Voting Fraud Research 9-6-06.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

"Job Serebrov"
[redacted]
10/13/2006 03:26 PM

To psims@eac.gov, wang@tcf.org
cc

Subject Re: Don't Believe Everything You Read

Peg:

We saw both the USA Today article and a similar thing was reported on Rush Limbaugh's show naming both of us. I had a talk this morning with folks at the EAC. I told them at this point there needs to be a press release sent out by the Chairman saying just what you stated. This is the only way to rehabilitate the work we did, the Chairman's credibility, and our reputations. I also fear that if this is not done the EAC will begin to receive calls from Congressman and Senators regarding the "report" and its effect on voter ID requirements.

Peg, up to now Tova and I have refused to speak with the press at all out of respect for the EAC and its mission. We both stand by our work and its conclusions. We both also feel that if a statement (as well phrased as you did in this e-mail clarifying the issue) is not forthcoming from the Chairman then I will have to correct this error with the Press. I explained this in my conversation this morning with the EAC.

Tova and I worked hard to produce a correct, accurate and truthful report. I could care less that the results are not what the more conservative members of my Party wanted. Neither one of us was willing to conform results for political expediency. I think its important for me to note that I was very impressed with Tova's members of the Working Group and I can't say enough about Tova's partnership effort in this endeavor. While neither one of us really care about outside opinions, we do care that the Chairman was quoted or misquoted in a way that would disparage our year-long effort and all of the tax payer money that went into it. For this reason, we believe that a press release clarifying the situation is necessary from either the Chairman or from me.

Regards,

Job

psims@eac.gov wrote:

Tova and Job:

I am home recuperating, but see that in my absence, a USA Today article has gotten everyone stirred up. The report to which the article refers is only the status report on the voting fraud-voter intimidation research project that was delivered to our Standards Board and Board of Advisors last spring. I provided a copy of this document to both of you. but have attached another copy for your information. This document is subject to public release because it was presented at a pubic meeting.

Due to internal resource allocation problems, your final report has not yet been reviewed by the Commissioners. It is considered a working document (not subject to public release) until it has completed the review process and the Commissioners have agreed to release it. There has been no attempt by the Commission to hold up the report. I bear responsibility for any delays in moving it along.

Please be reassured that we would not release your report without letting you know.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

---- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM ----

Margaret Sims/EAC/GOV
09/26/2006 12:50 PM

To Thomas Wilkey
cc
Subject Fw: Preparation for Vote Fraud Conference in Utah

Here are the documents I sent you yesterday. Also attached is a copy of the status report on this research that was provided to the Standards Board and Board of Advisors earlier this year. --- Peggy

EAC Boards VF-VI Status Report.doc

----- Forwarded by Margaret Sims/EAC/GOV on 09/26/2006 12:48 PM -----

Margaret Sims/EAC/GOV
09/25/2006 12:36 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, twilkey@eac.gov
cc Karen Lynn-Dyson/EAC/GOV@EAC
Subject Preparation for Vote Fraud Conference in Utah

Matt (and Amy) are working on a speech for the Chairman to deliver at the Vote Fraud conference in Utah at the end of the week. Matt has asked for the consultants' definition of vote fraud/voter intimidation and the draft recommendations. As neither have been through full Commission review, I would like to speak with one or both of you before I drop this information in any one Commissioner's lap. Matt is looking for this information today. FYI, attached are copies of the consultants' definition and the draft recommendations from the consultants and others from the working group. Also attached is a summary of concerns expressed by the working group. --- Peggy

Fraud Project Definition-rev 6-27.doc RECOMMENDATIONS - final2.doc Working Group Recommendations final.doc

Key Working Group Comments and Observations AND concerns final.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/30/2007 02:25 PM -----

Karen Lynn-Dyson/EAC/GOV
09/25/2006 12:39 PM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Re: Preparation for Vote Fraud Conference in Utah

Many, many thanks for keeping me in the loop on this
(I think)

:-)

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

Margaret Sims/EAC/GOV
04/26/2007 05:24 PM

To eaccon@eac.gov
cc
bcc
Subject Vote Fraud Project

A new email you may want to add to the collection.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/26/2007 05:22 PM -----

Margaret Sims/EAC/GOV
04/26/2007 05:14 PM

To Jeannie Layson/EAC/GOV
cc jthompson@eac.gov
Subject Re: tova

Do we know who received her letter? I haven't seen it. --- Peggy

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/26/2007 04:45 PM

To psims@eac.gov, jthompson@eac.gov
cc
Subject tova

See her press release (third item).

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

Bryan Whitener/EAC/GOV
03/09/2007 02:47 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC
cc Margaret Sims/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC
Subject Response Requested - Fw: info request re: House Appropriations subcommittee hearing

All,

Please see Dan Seligson's questions and request. Exactly what are we going to provide to the House subcommittee and when? Once they receive it, can the subcommittee or its members then release it to anyone they choose? Do we plan to release it to everyone once we've provided it to the subcommittee?

---- Forwarded by Bryan Whitener/EAC/GOV on 03/09/2007 02:29 PM ----

"Dan Seligson" <dseligson@electionline.org>

03/09/2007 02:26 PM

To "Bryan Whitener" <bwhitener@eac.gov>
cc
Subject info request re: House Appropriations subcommittee hearing

Bryan -
As I mentioned on the phone, I am seeking information as a follow up to the House Appropriations Subcommittee on Financial Services. At the hearing, Rep. Maurice Hinchey, D-N.Y., requested that the EAC submit the original version of a report written by Tova Wang and Job Serebrov. Chairwoman Davidson said she would provide the original report (I believe) within three days. Is that still the case? Will the subcommittee have the original report, as submitted by the consultants, on Monday? And if so, may we have a copy as well?

Thanks,
Dan

Daniel Seligson
editor
electionline.org
1025 F St. NW Suite 900
Washington, DC 20004
202-552-2039

---- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 04:22 PM ----

Margaret Sims/EAC/GOV
03/13/2007 02:31 PM

To Jeannie Layson/EAC/GOV

cc ddavidson@eac.gov, jthompson@eac.gov, twilkey@eac.gov
Subject Re: Voter ID, Fraud & Intimidation--Need your input

Looks fine to me. Of course, she is probably referring to our decision not to release the consultants' draft final report. --- Peggy

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
03/13/2007 02:25 PM

To jthompson@eac.gov, twilkey@eac.gov, psims@eac.gov, ddavidson@eac.gov
cc
Subject Voter ID, Fraud & Intimidation--Need your input

Hello all,
A columnist from the WaPo has asked for info about both the voter ID and the fraud and intimidation reports. This was prompted by the accusation that the president was concerned that the fired prosecutors were not aggressively pursuing voter fraud cases. She had heard that we were refusing to release this information, so I am trying to demonstrate otherwise, as well as show that we have discussed these projects numerous times in public meetings. Please take a look at my draft email to her and let me know if you have any suggestions. She needs to hear back from me by 4 p.m. Thanks for your help with this.

Ms. Cocco,
Per your questions, go here to view the testimony regarding voter ID from our Feb. 2 public meeting. As I mentioned, at this meeting EAC Chair Donetta Davidson requested that staff review the initial research provided by Eagleton and produce a final report, which would include recommendations for further study on this subject. Currently, staff is working to finalize the voter ID report.

Regarding the voter fraud and intimidation research, at a May 2006 public meeting of our Standards Board and Board of Advisors, the EAC project manager for this research presented a staff update on the project. Go here to view the agenda, page 3. The document you referred to was the update the project manager gave at this public meeting, and it has been made available to anyone who asked for it. The final culimation of this project can be found here, and links to the attachments provided by the consultants are available by going to page 24 of this report. The commissioners adopted this report at a public meeting in Dec. 2006.

As a small agency of 23 employees, including the four commissioners, it is necessary for the agency to contract with consultants to gather the initial data for these projects. After EAC receives the initial data, the agency reviews the data for accuracy and then releases a final report.

Jeannie Layson
U.S. Election Assistance Commission
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Phone: 202-566-3100

www.eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 04:22 PM -----

Juliet E. Hodgkins/EAC/GOV

04/02/2007 11:29 AM

To Karen Lynn-Dyson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Swolson@eac.gov

cc

Subject Re:

The info that is on the website should be everything that you and she need. If you have trouble locating that info, Jeannie can probably direct you to where you can find it.

Sent from my BlackBerry Wireless Handheld

Karen Lynn-Dyson

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

From: Karen Lynn-Dyson
Sent: 04/02/2007 11:02 AM EDT
To: Margaret Sims
Cc: Juliet Hodgkins; s[redacted]

Peg-

This week Heather Moss, a research intern will be starting with us. Heather is presently in law school and worked for DOJ in the Voting Rights Division for four years. Heather's primary responsibility (for the next month or so) will be helping us develop the follow- on research project for the Election Crimes study.

Also as an FYI- Commissioner Hunter and her Special Assistant, Stephanie Wolson have expressed an interest in working closely with staff on this project.

I would like to schedule a call/meeting for later on this week so that everyone can be brought up to speed on this work.

In preparation for this meeting I would like to give Heather the project materials which Job and Tova worked on and any relevant material you may have .

Could you direct me to these files so that Heather may begin her work on this project? Could you also let me know dates and times this week that might work for you?

Thanks

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

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 04:22 PM -----

Margaret Sims/EAC/GOV

To Jeannie Layson/EAC/GOV@EAC

04/03/2007 06:22 PM

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

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

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/03/2007 05:33 PM

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

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

Thanks.

1) You said that the Wang/Serebrov report has not been released because it was predecisional. Was the Moritz/Eagleton report released because it was not predecisional? The Moritz/Eagleton report was a predecisional document. The commissioners took an action not to adopt a final report based upon the Moritz/Eagleton report, but to release all the predecisional information (the draft report).

2) I understood you to say that the December EAC report includes all of the Wang/Serebrov recommendations but not all of the Wang/Serebrov findings. Is that correct? The report does include all of their recommendations, which were their findings, and all of the research they conducted.

3) I understood you to say that EAC staff added results of their own research to the December EAC report. Is that correct? What I said was EAC staff reviewed the report for accuracy, for grammar and added language that reflected the commission's decision to adopt the final version based upon the initial research provided by the consultants.

4) If I'm correct on questions 2 and 3, would it be accurate to say that

readers of the December report cannot tell how much of that report does and does not reflect the original Wang/Serebrov findings? The consultants' recommendations are their findings. All of the recommendations are included in the final report, so readers can make the determination regarding the recommendations.

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

6) I understood you to say that the EAC did not release the Wang/Serebrov report in its original form because the EAC has to do due diligence and its staff is small. Do I understand you correctly? As a small agency of 23 employees, including the four commissioners, it is necessary for the agency to contract with consultants to gather the initial data for research projects. After EAC receives the initial data, the agency reviews the data for accuracy. What form of due diligence does the EAC's staff routinely conduct on research that is contracted out to experts before that research is released? You mentioned "vetting" the research. What does that vetting entail? It depends on the project. For instance, if it is information directly related to a mandate within the Help America Vote Act (HAVA), staff will make sure that the information is consistent with the law. In addition, we often ask for input from our Standards Board and Board of Advisors, which combined consist of more than 147 members. If we are using research that will eventually become guidance, we are required by HAVA to seek the input of these boards. Go here for more information about these boards and its members. If the board members have feedback, then we must make the determination whether to incorporate it, and, if so, how to incorporate their changes. If the research is focused on election laws throughout the country, we make sure the laws are cited correctly and that state legislatures haven't changed or amended these laws since the research was conducted. (As you probably know, there have been many new election laws introduced at the state level since 2004.) Throughtout the process, we review for grammar as well as make sure the document flows and is arranged logically -- the basic tenets of editing.

Jeannie Layson
U.S. Election Assistance Commission
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www.eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 04:22 PM -----

Margaret Sims/EAC/GOV
04/13/2007 05:08 PM

To Edgardo Cortes/EAC/GOV
cc
Subject Re: Working group meeting transcript

Most of the working files for this project are in a red folder sitting on my window sill; but I have some individual files in manila folders for Job and Tova propped upright on my desk next to the computer. Isn't this something that can wait until Monday? --- Peggy

Edgardo Cortes/EAC/GOV

Edgardo Cortes/EAC/GOV
04/13/2007 04:42 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Working group meeting transcript

Where are your working files maintained?
Margaret Sims
----- Original Message -----

From: Margaret Sims
Sent: 04/13/2007 04:27 PM EDT
To: Edgardo Cortes
Subject: Re: Working group meeting transcript

I don't maintain "official" contract files, just working copies (and I am missing a copy of one of Tova's contracts). The official files should be with the other official EAC contract files. There were 4 personal services contracts between Tova and Job. --- Peggy

Edgardo Cortes/EAC/GOV

Edgardo Cortes/EAC/GOV
04/13/2007 02:06 PM

To Margaret Sims/EAC/GOV
cc Gavin S. Gilmour/EAC/GOV@EAC
Subject Re: Working group meeting transcript

Peggy,
They are also requesting copies of the signed contracts. Where are your official contract files for that contract? Let me know where they are and I will pull them to give Gavin the copies so he can review for releasability. Thanks!

Edgardo Cortés
Election Research Specialist

U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov
Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV
04/13/2007 01:04 PM

To Edgardo Cortes/EAC/GOV@EAC
cc Gavin S. Gilmour/EAC/GOV@EAC
Subject Re: Working group meeting transcript

There is only one transcript. In addition to the electronic copy, I have a hard copy in the file. Job Serebrov submitted one correction related to the information reported on his background, not the study. Otherwise, the transcript has NOT been reviewed for accuracy and we have not released copies to anyone but our consultants. --- Peggy

Edgardo Cortes/EAC/GOV

Edgardo Cortes/EAC/GOV
04/13/2007 12:25 PM

To Margaret Sims/EAC/GOV
cc Gavin S. Gilmour/EAC/GOV
Subject Working group meeting transcript

Peggy,
Is the transcript contained in T:\RESEARCH IN PROGRESS\VOTING FRAUD-VOTER INTIMIDATION\Working Group the only transcript that exists for that working group? Did you ever review it for accuracy? Has it been released to anyone previously? We've had a request from Todd Rokita's office for a copy and I want to be sure we are sending the correct file. Please let us know as soon as possible. Thanks!

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----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 04:21 PM -----

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

---- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 04:21 PM ----

Margaret Sims/EAC/GOV
04/17/2007 03:18 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Re: Need emails

Julie:
The attached appears to be the Job Serebrov email, a portion of which was quoted in the NY Times. He was responding to my email advising him that recent press reports were referring to the status report on the vote fraud-voter intimidation project, and that we had not released the final report. (A copy of my email is attached.) There are no follow-up emails on this topic. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2007 03:07 PM ----

"Job Serebrov"
[redacted]
10/13/2006 03:26 PM

To psims@eac.gov, wang@tcf.org
cc
Subject Re: Don't Believe Everything You Read

Peg:

We saw both the USA Today article and a similar thing was reported on Rush Limbaugh's show naming both of us. I had a talk this morning with folks at the EAC. I told them at this point there needs to be a press release sent out by the Chairman saying just what you stated. This is the only way to rehabilitate the work we did, the Chairman's credibility, and our reputations. I also fear that if this is not done the EAC will begin to receive calls from Congressman and Senators regarding the "report" and its effect on voter ID requirements.

Peg, up to now Tova and I have refused to speak with the press at all out of respect for the EAC and its mission. We both stand by our work and its conclusions. We both also feel that if a statement (as well phrased as you did in this e-mail clarifying the issue) is not forthcoming from the Chairman then I will have to correct this error with the Press. I explained this in my conversation this morning with the EAC.

Tova and I worked hard to produce a correct, accurate and truthful report. I could care less that the results are not what the more conservative members of my Party wanted. Neither one of us

was willing to conform results for political expediency. I think its important for me to note that I was very impressed with Tova's members of the Working Group and I can't say enough about Tova's partnership effort in this endeavor. While neither one of us really care about outside opinions, we do care that the Chairman was quoted or misquoted in a way that would disparage our year-long effort and all of the tax payer money that went into it. For this reason, we believe that a press release clarifying the situation is necessary from either the Chairman or from me.

Regards,

Job

psims@eac.gov wrote:

Tova and Job:

I am home recuperating, but see that in my absence, a USA Today article has gotten everyone stirred up. The report to which the article refers is only the status report on the voting fraud-voter intimidation research project that was delivered to our Standards Board and Board of Advisors last spring. I provided a copy of this document to both of you. but have attached another copy for your information. This document is subject to public release because it was presented at a pubic meeting.

Due to internal resource allocation problems, your final report has not yet been reviewed by the Commissioners. It is considered a working document (not subject to public release) until it has completed the review process and the Commissioners have agreed to release it. There has been no attempt by the Commission to hold up the report. I bear responsibility for any delays in moving it along. Please be reassured that we would not release your report without letting you know.

Peggy Sims
Election Research Specialist
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Washington, DC 20005
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Fax: 202-566-3127
email: psims@eac.gov

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
04/17/2007 02:58 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Need emails

Peggy,

Can you pull out the emails between you and Job that were quoted in the NYT? I need anything that has to do with the subject that was referred to in the quoted email as well as any follow up to that email. We

need it to be able to respond to the letter from Sen. Feinstein, and I figured you could identify those easier than me searching through the reams of paper in Jeannie's office.

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

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 04:21 PM -----

Margaret Sims/EAC/GOV
04/18/2007 05:40 PM

To Jeannie Layson/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: Need your help ASAP

Jeannie:

I did not receive your request in time to type responses on my blackberry by 2 PM, given the information needed. Here are the answers to your questions:

1. Why did we only contact DOJ officials regarding the accuracy of their interviews?

As far as I know, we didn't. contact DOJ officials about this except in response to concerns they had previously expressed to us. Also, I don't believe we ever allowed DOJ to edit the summaries. (I certainly didn't.) I believe the consultants and I discussed the idea of having all the interviewees review their respective interview summaries, but the consultants objected to the idea and there were concerns that the all of the money remaining available was needed to complete the final report.

Craig Donsanto, Election Crimes Branch, saw the summary of his interview among the documents provided to the Working Group (prior to the meeting of that group), and pointed out an important factual error. The summary, as originally written, portrayed DOJ as switching from the prosecution of conspiracies to the prosecution of individuals. I was present at this interview and this was not what Craig had said, nor is it supported by the information available on the election crimes pursued by that branch. DOJ continues to pursue conspiracies and, in addition, has begun to pursue individuals (specifically, double voting, felon voting and alien voting) in an effort to deter others from election crime.

To my knowledge, John Tanner, Voting Section, Civil Rights Division, had not seen the consultants' full summary of his interview; but he expressed concern to Tova Wang and EAC about the consultants' characterization of the interviews with Donsanto and him that had been included in the May 2006 status report. This report was provided to the members of the EAC Standards and Advisory Boards. Per HAVA requirements, the Voting Section is represented on the Advisory Board. Tanner pointed to the following errors:

- First, the consultants stated that DOJ was not pursuing voter suppression cases. Tanner responded that "[t]he Department has brought two 11(b) cases, one of the two in this Administration. The focus of DOJ activity has shifted, in fact, to voter suppression as there are fewer cases over voter dilution (challenges to at-large election systems, etc.) being brought by anyone as the number of jurisdictions with at-large election systems has shrunk dramatically.This Administration has, in fact, brought far more voter-suppression cases ... than ever in the past, including a majority of all cases under Sections 203 and 208 of the Act, and such key recent Section 2 cases as US v. City of Boston and US

v. Long County, Georgia."

- Second, the consultants implied that DOJ is not pursuing instances of unequal implementation of ID rules. Tanner's response was that "[c]hallenges based on race and unequal implementation of ID rules are indeed actionable and we have brought lawsuits, such as in Boston and Long County; we have not identified instances of such discrimination in which we have not taken action."

Tanner also pointed to the consultants' refusal during the interview to define what they meant by "voter intimidation", which Tanner suspected did not jibe with the meaning of the term in federal prosecutions and probably contributed to misunderstandings. (Federal voter intimidation prosecutions require the threat of economic or physical harm.)

By the way, both of these officials are career attorneys, not political appointees. They have years of service at DOJ, working under a number of different administrations.

2. Exactly what did we change and why?

In the case of the Donsanto interview summary, I spoke with our consultants and asked them to make the correction. At first, they both refused. Later, they revised the summary to be a little less blatant, but the implication that there had been a complete change in approach remained. We revised the summary to clearly indicate that prosecution of conspiracies continues. The revised paragraph is on page 4 of the published summary. We also added an intro paragraph similar to other interview summaries submitted by the consultants to summarize the enforcement authority of the Election Crimes Branch and to distinguish it from the Voting Section, Civil Rights Division.

In the case of the actual John Tanner interview summary, we added an intro paragraph similar to other interview summaries submitted by the consultants to summarize the enforcement authority of the Voting Section and to distinguish it from the Election Crimes Branch. We also moved the consultants' note about the refusal to share certain internal working papers to the end of the summary because it seemed to distract from the main interview points if left as an introduction.

Making the distinction between the Election Crimes Branch and the Voting Section is important. The Voting Section brings cases involving "systemic" discrimination because federal voting statutes focus on discriminatory action by local governments. It is criminal statutes that involve malfeasance by individuals and that are enforced by the Election Crimes Branch through Us Attorneys' offices. The difference is key to understanding federal election law enforcement.

Peggy Sims
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Fax: 202-566-3127
email: psims@eac.gov

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/18/2007 12:17 PM

To psims@eac.gov
cc Juliet E. Hodgkins/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subject Need your help ASAP

Peg,
If possible, I need answers for these questions in reference to the vote fraud/voter intimidation project by 2 p.m. today for an inquiry for Congressional Quarterly:

1. Why did we only contact DOJ officials regarding the accuracy of their interviews?
2. Exactly what did we change and why?

Jeannie Layson
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1225 New York Ave., NW
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www.eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 04:21 PM -----

Margaret Sims/EAC/GOV
04/19/2007 08:53 AM

To Jeannie Layson/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC
Subject Correction to Cost of Vote Fraud Contracts

FYI - I noticed that some newsclips are saying we spent $100,000 on the Voting Fraud-Voter Intimidation project. Each of the consultants had two contracts totaling almost $75,000 (not including funds set aside for related travel), so the total between them would have been closer to $150,000. If anyone needs to know the added travel costs, Wang spent about $4,500 and Serebrov $1,200 over the course of the 2 contracts.

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email: psims@eac.gov

Margaret Sims/EAC/GOV
04/24/2007 03:57 PM

To eaccon@eac.gov
cc
bcc
Subject Voter Fraud Project Emails

Here are most of he emails from my active email files. A few did not hold the check mark, so I will send them separately. I'm trying to work out the best way to hand off copies of the emails from my archived files.

Peggy Sims
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----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:52 PM -----

"Tova Wang"
<wang@tcf.org>
08/21/2006 12:16 PM

To psims@eac.gov
cc
Subject call

Hi Peg, I left you a voice message last week -- you might have been at NCSL. Anyway, would you give me a call when you have a moment? Thanks.

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20037

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:52 PM -----

Juliet E. Hodgkins/EAC/GOV
11/03/2006 06:42 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Job and Tova

I spoke to Job about the documents that I need. He will send me his summary of the articles/books that he read. However, he said that Tova also summarized some of those articles/books. I don't have a contact number/email for Tova. Could you contact her and ask her to provide us with any summary of the articles/books that she read as they are listed in Appendix 2?

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

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:52 PM -----

Margaret Sims/EAC/GOV
11/03/2006 07:11 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Re: Job and Tova

Julie:

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If you want, I can cross reference each of these with the list of articles and ID any missing summaries. I could do that over the weekend. --- Peggy

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
11/03/2006 05:42 PM

To Margaret Sims/EAC/GOV@EAC
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----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Juliet E. Hodgkins/EAC/GOV
11/03/2006 07:14 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Job and Tova

I think we should use the content of those articles or some summary of them as a background of what we know about VF and VI. I just didn't want to have to read all of those articles to be able to make some generalized statements about their contents.

Sent from my BlackBerry Wireless Handheld
Margaret Sims
----- Original Message -----

From: Margaret Sims
Sent: 11/03/2006 06:11 PM
To: Juliet Hodgkins
Subject: Re: Job and Tova

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----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Juliet E. Hodgkins/EAC/GOV
11/03/2006 07:41 PM

To Margaret Sims/EAC/GOV@EAC
cc

Subject Re: Job and Tova

I appreciate it. I will send you a copy of the outline that I am working from. It is somewhat subject to change as I am still trying to gel in my mind what goes first, second ....

Sent from my BlackBerry Wireless Handheld
Margaret Sims
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From: Margaret Sims
Sent: 11/03/2006 06:38 PM
To: Juliet Hodgkins
Subject: Re: Job and Tova

I can review them over the weekend and attempt to summarize what they tell us.--- Peggy

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11/03/2006 05:42 PM

To Margaret Sims/EAC/GOV@EAC
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----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Margaret Sims/EAC/GOV
11/06/2006 11:07 AM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Re: VF_VI Literature Review

Julie:
I have not received the outline, but went ahead with reviewing the literature researched. Attached are my perspectives on what we learned and a listing of the literature with portions of the analysis for each. Both of these documents are on the shared drive under T:\RESEARCH IN PROGRESS\VOTING FRAUD-VOTER INTIMIDATION\Research Summaries. Hope these help. Let me know what else you need from me. --- Peggy

EAC-Learned from Lit Review 11-6-06.doc EAC Lit Review Notes 11-5-06.doc

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
11/03/2006 06:41 PM

To Margaret Sims/EAC/GOV@EAC
cc
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Juliet E. Hodgkins/EAC/GOV
11/06/2006 11:50 AM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: VF_VI Literature Review

sorry, about that. Here's the outline...

I. BACKGROUND/INTRODUCTION

A. WHAT WE KNOW ABOUT FRAUD
B. PURPOSE OF THE EAC STUDY
C. METHODOLOGY OF THE EAC STUDY

II. DEFINITION OF ELECTION CRIMES
A. VOTER FRAUD IS TOO LIMITED
B. COLLOQUIAL DEFINITION IS TOO BROAD
C. ELECTION CRIMES
D. WHAT IS NOT AN ELECTION CRIME FOR PURPOSES OF THIS STUDY

III. RECOMMENDATIONS ON HOW TO STUDY ELECTION CRIMES
A. ACCEPTED RECOMMENDATIONS
i. SURVEY LAW ENFORCEMENT, INVESTIGATORY AGENCIES, AND PROSECUTORS
ii. REVIEW AMINISTRATIVE COMPLAINTS FILED WITH STATES
iii. REVIEW DOJ/USA ACTIONS
B. REJECTED RECOMMENDATIONS
i. REASONS WHY REJECTED

Juliet Thompson Hodgkins
General Counsel
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11/06/2006 12:21 PM

To Juliet E. Hodgkins/EAC/GOV
cc

Subject Re: VF_VI Literature Review

Is this an outline of an EAC staff report to accompany the consultants' report, or has there been a decision not to publish the consultants' report at all? (Just curious, as I have been a little out of the loop.) --- Peg

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Juliet E. Hodgkins/EAC/GOV
11/06/2006 12:30 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: VF_VI Literature Review

The consultant's report is a draft of an EAC report. We will take the consultant's report and finalize it into OUR report.

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

Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV
11/06/2006 12:21 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
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----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Juliet E. Hodgkins/EAC/GOV
11/06/2006 05:18 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: VF_VI Literature Review

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Juliet Thompson Hodgkins

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1225 New York Ave., NW, Ste 1100
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(202) 566-3100
Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV
11/06/2006 11:07 AM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Re: VF_VI Literature Review

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EAC-Learned from Lit Review 11-6-06.doc EAC Lit Review Notes 11-5-06.doc

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
11/03/2006 06:41 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Job and Tova

I appreciate it. I will send you a copy of the outline that I am working from. It is somewhat subject to change as I am still trying to gel in my mind what goes first, second ....

Sent from my BlackBerry Wireless Handheld
Margaret Sims
----- Original Message -----

From: Margaret Sims
Sent: 11/03/2006 06:38 PM
To: Juliet Hodgkins
Subject: Re: Job and Tova

I can review them over the weekend and attempt to summarize what they tell us.--- Peggy
---
Sent from my BlackBerry Wireless Handheld
Juliet E. Hodgkins
----- Original Message -----

From: Juliet E. Hodgkins

Sent: 11/03/2006 06:14 PM
To: Margaret Sims
Subject: Re: Job and Tova

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Margaret Sims
----- Original Message -----

From: Margaret Sims
Sent: 11/03/2006 06:11 PM
To: Juliet Hodgkins
Subject: Re: Job and Tova

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If you want, I can cross reference each of these with the list of articles and ID any missing summaries. I could do that over the weekend. --- Peggy

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
11/03/2006 05:42 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Job and Tova

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

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Margaret Sims/EAC/GOV
11/06/2006 06:36 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Re: VF_VI Literature Review

Julie:

Happy to help, especially as I have to assume the blame for the report turned in by the consultants. I think you were aware that I was disappointed that it was not a more professional product. As I was not clear what the Commission's position is on editing such reports after receipt of the final, and as the consultants insisted that their work not be changed, I felt a bit stymied. Let me know what else I can do.

In the meantime, I'm revisiting some drafts received on the Vote Count-Recount best practices to see if I can encourage more improvements before submission of the final. We're still waiting for the state-by-state summary of practices, originally delayed by the subcontractor's nonperformance, which could affect goes into the best practices. I think some of the emphasis I see in the drafts on post election audits and proper recordkeeping will help respond to some of the issues raised in the literature review for the voting fraud-voter intimidation study.

--- Peggy

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
11/06/2006 05:18 PM

To Margaret Sims/EAC/GOV@EAC
cc
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Margaret Sims/EAC/GOV
11/06/2006 11:07 AM

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11/03/2006 05:42 PM

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Washington, DC 20005
(202) 566-3100

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Karen Lynn-Dyson/EAC/GOV
11/07/2006 07:05 AM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc Margaret Sims/EAC/GOV@EAC
Subject Fw: please investigate

Hi-

Is this the kind of thing I should be passing on to you or Gavin?

Thanks

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 11/07/2006 07:03 AM -----

[redacted]
11/06/2006 07:47 PM

To info@gop.com, HAVAinfo@eac.gov, [redacted]
cc
Subject please investigate

Please investigate this incident or pass it on to the proper authority.

This morning, I received a recorded message saying that my polling place was "St. Francis" something or other. Later in the day, I wondered why I was informed of this change via a phone number with an out of state area code. I just
check the Mahoning County Board of Elections site and the polling location is still listed as "Frank Ohl School" which is where I've voted since moving here.
Since I received another call about the same time, I'll give you information on both numbers.

For the first call (which I believe is the culprit) the information on my caller ID was "Unknown Name 320-230-0961". They claimed they were from American
for Reform Now or something like that. When I dialed that number, I received this message: "Mailbox for Rob Olsen is full." While writing this email, I just
received another call from this number. Now the recorded message was from Ohio for Fair Minimum Wage.

For the other call (from this morning) the information on my caller ID was "Amer Voice Retr 206-706-2650". When I dialed that number I got a recording which identified them as "People for Washington State Democrats... authorized by
K1 2006."

Thank you for your time and attention to this matter.

Cheryl Bollinger
Austintown, OH
330.318.7993

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Juliet E. Hodgkins/EAC/GOV
11/07/2006 09:33 AM

To Margaret Sims/EAC/GOV@EAC
cc

Subject VF and VI study

Did Tova and Job provide us with summaries or notes of their interviews?

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

---- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM ----

Margaret Sims/EAC/GOV
11/07/2006 09:45 AM

To Juliet E. Hodgkins/EAC/GOV
cc
Subject Re: VF and VI study

Yes (at T:\RESEARCH IN PROGRESS\VOTING FRAUD-VOTER INTIMIDATION\Interviews\Interview Summaries). Do you want me to do the same with those as I did with the literature summaries? --- Peggy

Juliet E. Hodgkins/EAC/GOV

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To Margaret Sims/EAC/GOV@EAC
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Juliet E. Hodgkins/EAC/GOV
11/07/2006 09:47 AM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: VF and VI study

that would be great. I am also interested in identifying the points of contention between DOJ and the

consultants.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
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11/07/2006 09:45 AM

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Margaret Sims/EAC/GOV
11/07/2006 11:29 AM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Re: VF and VI study

OK, I will get started on the interview summaries today.

DOJ (Donsanto and Tanner) raised objections to the consultants' description of their interviews, which

state that DOJ officials agreed they were bringing fewer intimidation and suppression cases. An advocacy group is going after DOJ, accusing the agency of doing just that for political reasons, so this is something DOJ wants corrected.

Apart from the consultants pre-existing bias that "the feds aren't doing enough", a big part of the problem appears to have been a misunderstanding over terminology. When our consultants used the term "intimidation", they included all sorts of suppression activities. When Craig Donsanto used the tern "intimidation", he was using the definition under federal criminal vote fraud statutes, which requires the action be accompanied by threat of physical or economic harm. (He told me he has had only one such case in 30 tears.) His office is actively pursuing voter suppression activities under statutes other than federal voter intimidation laws (e.g.; the recent case in NH where a campaign operative conspired to block election day GOTV telephone lines of the opposing party). A copy of Tanner's comments on the interview summary in the status report for the Standards and Advisory Boards meetings is attached.

I had many long discussions with Tova and Job about this. I was able to get them to soften their description (see 4th bullet on page 7 of the draft report), but not entirely to my satisfaction. Also, at the Working Group meeting, it was agreed that the consultants would add a note to their definition to clarify that the working definition for purposes of the research includes activities that do not meet the federal definition of voter intimidation. The resulting note on page 5 of the draft report is too vague.

DOJ has not seen everything the consultants put in the draft final report, so they may have additional concerns. For example, the consultants' recommendations include the following:

> **Attend the Department of Justice's Ballot Access and Voting Integrity Symposium.** The consultants also believe it would be useful for any further activity in this area to include attendance at the next Ballot Access and Voting Integrity Symposium. According to the Department, DEOs are required to attend annual training conferences centered on combating election fraud and voting rights abuses. These conferences sponsored by the Voting Section of the Civil Rights Division and the Public Integrity Section of the Criminal Division, feature presentations by civil rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys' Offices. According to the Department, DEOs are required to attend annual training conferences centered on combating election fraud and voting rights abuses. These conferences sponsored by the Voting Section of the Civil Rights Division and the Public Integrity Section of the Criminal Division, feature presentations by civil rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys' Offices.
>
> Footnote:
> By attending the symposium researchers could learn more about the following:
> How *DEOs* are trained, e.g. what they are taught to focus their resources on; How they are instructed to respond to various types of complaints; How information about previous elections and voting issues is presented; and, How the Voting Rights Act, the criminal laws governing election fraud and intimidation, the National Voter Registration Act, and the Help America Vote Act are described and explained to participants.

DOJ has stated that this is an internal meeting, involving only DOJ officials, US Attorneys and FBI. EAC researchers cannot be admitted without opening the meeting to other outsiders. DOJ does not want to do this, probably for two reasons: (1) confidential information on current enforcement cases may be discussed; and (2) making enforcement strategies public could give unscrupulous individuals a virtual "how to" manual for circumventing such strategies when committing election crimes.

We may also have a hard time gaining access to the DOE reports and the Voting Section records of complaints, as they probably aren't considered public documents.

--- Peggy

DOJ-TannerComments-TWInteviewSummary.doc

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
11/07/2006 09:47 AM

To Margaret Sims/EAC/GOV@EAC
cc
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11/07/2006 09:45 AM

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Juliet E. Hodgkins/EAC/GOV

11/09/2006 11:41 AM

To Margaret Sims/EAC/GOV@EAC

cc

Subject How are the summaries of the interviews coming?

I am getting close to having a first cut at a report, minus a few key sections. Just wondering how those summaries are coming along.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
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Margaret Sims/EAC/GOV

11/09/2006 12:04 PM

To Juliet E. Hodgkins/EAC/GOV

cc

Subject Re: How are the summaries of the interviews coming?

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11/09/2006 11:41 AM

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----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Juliet E. Hodgkins/EAC/GOV
11/09/2006 12:08 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: How are the summaries of the interviews coming?

Thanks. Currently, on the phone with Job. Ugh!!!!

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
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Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV
11/09/2006 12:04 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
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Margaret Sims/EAC/GOV

11/12/2006 08:45 PM

To Juliet E. Hodgkins/EAC/GOV

cc

Subject VF-VI Interviews

Sorry this is later than expected. I was missing the notes of one interview and had several computer crashes when I tried to retrieve archived email to determine if I had failed to file it after one of the consultants sent it. I finally gave up looking for it in favor of summarizing what I had.

Attached is a summary of points raised in the interviews. I found it more difficult to extract lessons learned from the interview notes, so I used a summary format. (The interview notes make it appear that the focus of the interviews differed from one person to another, perhaps because consultants were seeking different information from interviewees). I've also attached a list of interviewees with pertinent interview notes. (Some of the interview notes dealt with irregularities other than voting fraud and voter intimidation.) --- Peggy

EAC-Summary of Info from Interviews 11-06.doc EAC-Experts Interviewed Notes 11-06.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM ----

Margaret Sims/EAC/GOV

11/13/2006 10:27 AM

To Juliet E. Hodgkins/EAC/GOV

cc

Subject VF-VI Another DOJ Objection

Julie:

I just remembered that there was one other DOJ objection. It was about the way the consultants described the Election Crimes Branch focus on cases. In the interview with Donsanto (the only interview I attended), he made reference to the fact that the Election Crimes Branch used to only go after conspiracies, not individuals. Now, however, they had begun prosecuting individuals for noncitizen and felon voting. The consultants heard an unexpressed "instead", which would mean that DOJ had dropped pursuing conspiracies in favor of going after individuals. Based on my previous experience, I heard and unexpressed "in addition", meaning that DOJ was not just prosecuting conspiracies, the department also had begun to prosecute individuals.

I had lengthy discussions with the consultants over this issue as well. Donsanto confirmed that he meant "in addition", and the lists of cases he provided indicates that the department continues to pursue conspiracies. (It doesn't make sense any other way, unless you believe that the government is out to get the little guy.) --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Juliet E. Hodgkins/EAC/GOV

11/15/2006 09:58 AM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Draft Voter Fraud/Voter Intimidation

Peggy,

I have attached a rough draft of the report that I think that we should propose to the Commissioners. I was hoping that you could give it a read and give me your comments by Friday morning, as I have to deliver a draft to the Commissioners on Friday. I also have a couple of questions. You will notice that I have noted that several items will be attached as appendixes. First question: Should we attach these things? Second question: In cases where you have provided summaries of the summaries, should we attach yours or theirs?

EAC REPORT ON VOTER FRAUD AND VOTER INTIMIDATION STUDY.doc

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

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:51 PM -----

Thomas R. Wilkey/EAC/GOV
11/15/2006 12:23 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Thor Hearn

Do you have contact information for this guy?

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

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV
11/15/2006 01:52 PM

To Thomas R. Wilkey/EAC/GOV
cc
Subject Re: Thor Hearn

Mark (Thor) Hearne II
Partner-Member

Lathrop & Gage, LC
The Equitable Building
10 South Broadway, Suite 1300
St. Louis, MO 63102-1708
Phone: 314-613-2522; (or Assistant, Bethany at 314- 613–2510)
Fax: 314-613-2550
Email: [redacted]; (or Assistant, Bethany at [redacted])

Thomas R. Wilkey/EAC/GOV

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11/15/2006 12:23 PM

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----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV
11/15/2006 04:02 PM

To Juliet E. Hodgkins/EAC/GOV
cc
Subject Re: Draft Voter Fraud/Voter Intimidation

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----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Juliet E. Hodgkins/EAC/GOV
11/15/2006 04:10 PM

To Margaret Sims/EAC/GOV@EAC
cc
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Thanks.

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United States Election Assistance Commission
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Margaret Sims/EAC/GOV
11/15/2006 04:02 PM

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Margaret Sims/EAC/GOV
11/17/2006 09:28 AM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Draft Voter Fraud/Voter Intimidation Report

Julie:

I really like the tone, focus, and organization of the paper. I also liked the way you interspersed the lists of Working Group members, interviewees, and reports reviewed with the text (drawing the reader's attention to the info, cutting down on the # of appendices, and giving the eye a break from regular text). Attached is your document with my comments, questions, and suggested changes. I did not do much to it.

Regarding your questions about the appendices:
I really did not prepare my summaries with an eye toward publication, but the consultants' summaries probably include incendiary info (particularly re DOJ interviews). As for the case law, we have multiple, voluminous charts, but no list. We can create a list from the charts, but that will take time. The Commissioners may want to see the consultants' or my summaries and the case law charts, but do we need to publish them?

Do we need to put short bios for Tova and Job in an appendix? --- Peggy

EAC VF-VI Report- rev 11-17-06.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Juliet E. Hodgkins/EAC/GOV
11/17/2006 09:44 AM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Draft Voter Fraud/Voter Intimidation Report

Thanks for your comments.

Last night, I took the case charts and assembled into one 200 -page document. So, that is compiled. I have also amended to include Job and Tova's bios as appendix "1". I have established both your summaries and theirs into alternative appendixes and will talk to the commissioners about that. One question that I have is whether we would need to go through and "clean up" their summaries? I have compiled them into a single document (that is one for interviews and one for literature). Other than the DOJ issue, are there any other "problems" that you recall?

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

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV
11/17/2006 02:54 PM

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

I'll need to refresh my memory. I'll take a look at them one more time and get back to you. Hope you enjoy your time out of the office, and have a happy turkey day. --- Peggy

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
11/17/2006 09:44 AM

To Margaret Sims/EAC/GOV@EAC
cc
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(202) 566-3100

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Juliet E. Hodgkins/EAC/GOV
11/17/2006 04:05 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Draft Voter Fraud/Voter Intimidation Report

Thanks so much for all of your help. Have a very Happy Thanksgiving.

Sent from my BlackBerry Wireless Handheld
Margaret Sims
----- Original Message -----

From: Margaret Sims
Sent: 11/17/2006 02:54 PM
To: Juliet Hodgkins
Subject: Re: Draft Voter Fraud/Voter Intimidation Report

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11/17/2006 09:44 AM

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

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV

11/26/2006 09:39 PM

To Juliet E. Hodgkins/EAC/GOV

cc

Subject Re: Draft Voter Fraud/Voter Intimidation Report

Julie:
I reviewed our materials and refreshed my memory. The DOJ issues appear to be the only potential pitfalls in the consultants' interview summaries. The only other issue that arose during the course of the work was Secretary Rokita's objection to EAC doing the research. I think you have taken care of that in your paper. --- Peggy

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
11/17/2006 04:05 PM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Re: Draft Voter Fraud/Voter Intimidation Report

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11/17/2006 09:44 AM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Re: Draft Voter Fraud/Voter Intimidation Report

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

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Gavin S. Gilmour/EAC/GOV
11/27/2006 10:58 AM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: My Thoughts --PRIVILEGED COMMUNICATION

Peggy,

Just to clarify... you only attended (by teleconference or otherwise) one of the interviews? I thought it was more than that?

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

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

Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV
11/17/2006 02:48 PM

To Gavin S. Gilmour/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC
Subject Re: My Thoughts --PRIVILEGED COMMUNICATION

Gavin:

This looks good to me. I just have a few questions/clarifications, both involving the **second paragraph**:

1. First sentence - Do you mean "intra-agency", rather than interagency?
2. Second sentence - If we plan to release an EAC report based on the material provided by the consultants, then can we avoid implying that we are ever going to release a report written by the consultants?

3. Sixth sentence - I was present at only one interview, not all of them; but I did facilitate and help schedule the interviews.

--- Peggy

Gavin S. Gilmour/EAC/GOV

Gavin S. Gilmour/EAC/GOV
11/17/2006 01:39 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie Layson/EAC/GOV, Margaret Sims/EAC/GOV@EAC
cc
Subject My Thoughts --PRIVILEGED COMMUNICATION

Do Not Release

People for the American Way.doc

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

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----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV
11/27/2006 11:30 AM

To Gavin S. Gilmour/EAC/GOV
cc
Subject Re: My Thoughts --PRIVILEGED COMMUNICATION

I attended only the interview with Craig Donsanto. --- Peggy

Gavin S. Gilmour/EAC/GOV

Gavin S. Gilmour/EAC/GOV
11/27/2006 10:58 AM

To Margaret Sims/EAC/GOV@EAC
cc
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Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV
11/17/2006 02:48 PM

To Gavin S. Gilmour/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC
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11/17/2006 01:39 PM

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----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Juliet E. Hodgkins/EAC/GOV
11/29/2006 05:35 PM

To Paul DeGregorio/EAC/GOV@EAC, "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC
Subject Revised - Draft -- Voting Fraud/Voter Intimidation Report

Attached is a revised version of the Voting Fraud/Voter Intimidation Draft Report. The changes that Commissioner Hillman suggested have been made and highlighted in yellow. See pages 10-11.

Peggy and I are working on the revision of the Donsanto and Tanner interview summaries and will forward that to you under a separate email.

Voter Fraud & Intimidation Report - 112906.doc

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

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Juliet E. Hodgkins/EAC/GOV
11/29/2006 05:35 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Interview Summaries

Appendix 3 - Interview Summaries - consultants.doc

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

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV
11/30/2006 04:37 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Donsanto-Tanner Interviews

Julie:

I made some suggested edits in the attached excerpts of the Donsanto and Tanner interview summaries. You may be able to better phrase them. The most important edits are:

- I noticed that the consultants had listed Donsanto's and Tanner's titles incorrectly **(which we may also need to correct in our report where we list the interviewees)**. Donsanto and Tanner might be amused that our consultants "promoted" them, but their bosses may not.
- I redacted two sentences that I thought we should not publicize and one that I thought was in error from the Donsanto description. I also tried to correct the paragraph that discusses DOJ's pursuit of individual offenders.
- I moved the note about Tanner's failure to provide data and information to the end of the description (the highlighted paragraph) so that its isn't so "in your face". I also tried to edit it, but am still a bit concerned about including it at all.

If you have any questions, or want to talk about this, give me a call (703-323-9277). Also, I may be in the office tomorrow, if my insides cooperate. --- Peggy

Summaries of Interviews with Donsanto-Tanner redacted-revised.doc

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Juliet E. Hodgkins/EAC/GOV
12/01/2006 03:17 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Donsanto-Tanner Interviews

I made the correction on the titles in the report. There was one that was not correct.

There are a couple of things I may suggest that we leave in, as I don't think that DOJ would have a problem with it, (e.g. the fact that they won't release information on pending cases).

I will forward to the Cs for their review.

Juliet Thompson Hodgkins
General Counsel
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1225 New York Ave., NW, Ste 1100
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Margaret Sims/EAC/GOV

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Margaret Sims/EAC/GOV
12/01/2006 03:52 PM

To Juliet E. Hodgkins/EAC/GOV
cc
Subject Re: Donsanto-Tanner Interviews

Julie:
I assume you mean the note associated with the Tanner interview when you mentioned the pending cases. That's fine by me. I was just a little concerned that the note as a whole was a little adversarial and whiny. If any questions arise as to why certain items should be deleted from the Donsanto interview summary, I have answers. --- Peggy

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
12/01/2006 03:17 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Donsanto-Tanner Interviews

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Margaret Sims/EAC/GOV

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11/30/2006 04:37 PM

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----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV
12/04/2006 06:12 PM

To pmclennon@cookcountygov.com
cc
Subject Vote Fraud Report

Dear Peter:

I apologize for the delayed response. The paper that the media touted as an EAC statement on vote fraud was actually just a report on the status of preliminary research into voting fraud and voter intimidation conducted by EAC consultants. The document does not represent a consensus statement on the subject by EAC. The status report was presented to the EAC Board of Advisors and the EAC Standards Board last spring. As these meetings were open to the public, the status report is available to the public. (See attached.)

EAC plans to consider a draft of its own report, which is based on the preliminary research of our consultants, at this Thursday's public meeting. (See agenda published at http://www.eac.gov/docs/Public%20Meeting,%2012-07-06,%20Wash.,%20Revised%20Final%20Agenda.pdf.) If the report is approved, EAC will publish it on our web page.

Regards,

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

VF-VI Study Status 5-17-06.pdf

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Bryan Whitener/EAC/GOV
12/06/2006 12:39 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC
cc
Subject Please review ASAP - Fw: Fraud Report Press Release - DRAFT

Then I need to get commishes to okay.

----- Forwarded by Bryan Whitener/EAC/GOV on 12/06/2006 12:36 PM -----

"RoseUtley, Jennifer"
<Jennifer.RoseUtley@bm.co

To bwhitener@eac.gov

m>
12/05/2006 06:49 PM

cc jlayson@eac.gov
Subject Fraud Report Press Release - DRAFT

Brian,

Please find attached the draft fraud report press release for review. The other documents will follow in a separate email.

Jennifer

NEW E-MAIL: jennifer.roseutley@bm.com

Jennifer Rose-Utley
Manager, Public Affairs
Burson-Marsteller
202.530.4505
jennifer.roseutley@bm.com

We've Moved!

Please visit us at our new location:

Burson-Marsteller
1110 Vermont Avenue, NW, Suite 1100
Washington, DC 20005

Fraud Press Release - DRAFT v2.doc

---- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM ----

Margaret Sims/EAC/GOV
12/06/2006 03:46 PM

To bwhitener@eac.gov
cc
Subject VF-VI Research Contacts

Bryan:

The two consultants were:

- Tova Wang (wang@tcf.org)
- [redacted]

The contact information for the Project Working Group, including technical advisor, Craig Donsanto, is in the attached spreadsheet.

You should also send notice to John Tanner, Chief, Voting Section, Civil Rights Division, DOJ (john.k.tanner@usdoj.gov). --- Peggy

Work Group Contact-Availability Info.xls

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

"Bryan Whitener" <bwhitener@eac.gov>
12/07/2006 02:45 PM

To psims@eac.gov
cc
Subject EAC Releases Findings of Voting Fraud and Voter Intimidation Study, 12-07-06

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

For Immediate Release
December 7, 2006

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

EAC Releases Findings of Voting Fraud and Voter Intimidation Study

No consensus on the regularity of voting fraud and voting intimidation found
Agency accepts recommendations to conduct a comprehensive study on elections crimes

WASHINGTON - The United States Election Assistance Commission (EAC) today voted on the findings of the "Voting Fraud and Voter Intimidation Study" and accepted recommendations to conduct

a comprehensive assessment of all claims, charges and prosecutions of voting crimes.

The study represents the first phase of the information gathering process and includes a working definition of election crimes. EAC will now proceed with the second phase, a more comprehensive data-driven survey and study of elections crimes and voter intimidation. The new phase will offer consistency to the study and will identify a common definition of the issue for dialogue among elections officials, civil rights and voter advocacy groups, law enforcement officials, attorneys and the public.

The recommendations accepted by EAC today include:

Survey Chief Elections Officers to Review and Assess Administrative Complaints: EAC will survey the states' chief election officers regarding complaints that have been filed, investigated and resolved since January 1, 2004.

Survey State Election Crime Investigation Units Regarding Complaints Filed and Referred: EAC will gather information on the numbers and types of complaints that have been received by, investigated, and ultimately referred to local or state law enforcement by election crime investigation units since January 1, 2004.

Survey Law Enforcement and Prosecutorial Agencies Regarding Complaints and Charge of Voting Crimes: EAC will survey law enforcement and prosecutorial agencies at the local, state and federal level to determine the number and types of complaints, charges, or indictments, and pleas or convictions of election crimes since January 1, 2004.

Analyze Survey Data in Light of State Laws and Procedures: EAC will use the reliable data gathered from each survey group to analyze the effectiveness of fraud prevention and reporting measures.

In order to arrive at the findings, EAC consultants reviewed existing studies, articles, reports and case law on voting fraud and intimidation and conducted interviews with experts in the field regarding their experiences and research. According to the findings, while there is currently no consensus on the frequency of voting fraud and voter intimidation, most participants agreed that absentee balloting is subject to the greatest proportion of fraudulent acts, followed by vote buying and voter registration fraud.

Following today's vote to approve the survey recommendations, EAC will begin a comprehensive survey and subsequent study on voting fraud and voter intimidation based on hard data. Section 241 of the Help America Vote Act of 2002 (HAVA) mandates that EAC research and study various issues related to the administration of elections. During Fiscal Year 2006, EAC in consultation with the Standards Board and Board of Advisors selected voting fraud and voter intimidation from a list of potential research topics that serve to improve the administration of elections for federal office.

For the EAC's full report on the Voting Fraud and Voter Intimidation Study or to view testimony from today's hearing, visit www.eac.gov.

EAC is an independent bipartisan commission created by HAVA. It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The three EAC commissioners are Paul DeGregorio, chairman; Donetta Davidson and Gracia Hillman. One vacancy currently exists.

###

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Jeannie Layson/EAC/GOV

12/13/2006 10:14 AM

To pdegregorio@eac.gov, ghillman@eac.gov, ddavidson@eac.gov

cc twilkey@eac.gov, psims@eac.gov, jthompson@eac.gov, ggilmour@eac.gov, bwhitener@eac.gov

Subject Rick Hasen response-need your approval

Commissioners,
I want to respond to Rick Hasen's post regarding EAC and the fraud report. My suggested response is below, and his original post follows. Please let me know if you agree that I should attempt to correct the misinformation he posted. If so, please let me know if you approve of my suggested response. Thank you.

Mr. Hason,
I write to point out incorrect information you posted on your website on December 11, 2006. You wrote: "Note what's missing compared to the earlier version leaked to the USA Today Newspaper." No one at the EAC leaked anything to USA Today. The reporter asked for a copy of the staff report about the fraud resesarch that was presented at a public meeting in May to our Board of Advisors and the Standards Board, and the EAC provided it to him. This information was presented and discussed at a meeting that was open to the public, so we provided materials distributed at the meeting to anyone who requested it. The staff report about the fraud project was also distributed to every member of both advisory boards. Go here to view the Federal Register notice about the public meeting at which this project and many others were discussed.

The statement you attribute to one of the consultants is absolutely correct. As stated by their contract, these consultants were hired so that the EAC could "...obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation."

As for your reference to what's "missing compared to the earlier version," the report contains the complete summaries of every interview conducted by the consultants as well as every book, article, report or case that was reviewed. It does not contain the synopsis of those interviews, which were written by the consultants. EAC provided the individual summaries so readers could reach their own conclusions about the substance of the interviews.

EAC's interpretation of HAVA and its determination of what it will study and how it will use its resources to study it are matters of agency policy and decision. These are not, nor should they be, determinations or decisions made by consultants. The EAC has the ultimate responsibility for the reports it issues, and it is incumbent upon the agency to conduct due diligence to ensure reports, data or any other information is complete and accurate before it is adopted by the Commission.

As someone with a public platform who informs the public about matters regarding election administration, I would appreciate it if you would extend the same professional courtesy most journalists do and contact the agency in the future if you have questions or concerns about EAC policy or actions. You may reach me directly at 202-566-3103. I appreciate your consideration in this matter.

Sincerely,
Jeannie Layson
Director of Communications
US Election Assistance Commission

More on FL-13, and a Role for the EAC?

When I saw this headline on the *Sarasota Herald Tribune* web page, I thought it must have been about the FL-13 race.

Over on the election law listserv, Doug Johnson, responding to my commentary calling for the House to investigate the problems and declare a revote in the FL-13 race, suggested that perhaps the EAC is better situated to conduct an investigation than the House of the problems in the FL-13.

I'm afraid we might not be able to count on the EAC to conduct an investigation that is well-funded, tough, and fair. Politics appears to be creeping in to decisions of the EAC's advisory board, and there' s real concern about the EAC's vote fraud report. Note what's missing compared to the earlier version leaked to the USA Today newspaper. Tova Wang, who authored the draft report for the EAC, issued the following statement to me: "My co-consultant and I provided the EAC with a tremendous amount of research and analysis for this project. The EAC released what is their report yesterday."

The EAC has also lost two commissioners, one Republican and one Democrat, who appeared to be tough-minded and fair. I am very worried about the fairness and non-partisanship of the new rumored nominees.

In short, the EAC has to prove it is up to the task of fair and serious inquiry before it could be trusted with something like an investigation of the FL-13.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Gracia Hillman/EAC/GOV
12/13/2006 10:50 AM

To Jeannie Layson/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC, Bryan Whitener/EAC/GOV@EAC
Subject Re: Rick Hasen response-need your approval

I agree that Jeannie should send the response.

Sent from my BlackBerry Wireless Handheld

---- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM ----

Gracia Hillman/EAC/GOV
12/14/2006 12:07 PM

To "Paul DeGregorio" <pdegregorio@eac.gov>, "Donetta Davidson" <Ddavidson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, "Jeannie Layson" <jlayson@eac.gov>, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>
cc "Sheila Banks" <sbanks@eac.gov>
Subject People For

I know that People For the American Way delivered petitions to EAC about release of the Fraud report but I need to know what other communications EAC has had with People For about the study.

Was it represented on the study's working group? If so, by whom? Did they write to us and did we answer? Did anybody from there talk with anybody at EAC about the study and our work? Thanks.

Sent from my BlackBerry Wireless Handheld

---- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM ----

Margaret Sims/EAC/GOV
12/14/2006 12:40 PM

To Gracia Hillman/EAC/GOV@EAC
cc "Donetta Davidson" <Ddavidson@eac.gov>, "Jeannie Layson" <jlayson@eac.gov>, Juliet E. Thompson/EAC/GOV@EAC, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>, "Paul DeGregorio" <pdegregorio@eac.gov>, "Sheila Banks" <sbanks@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: People For

Commissioner Hillman:

PFAW was not represented on the Working Group for the Voting Fraud-Voter Intimidation research project. Also, I have had no communications with the organization about the study. I did work with

Jeannie and Gavin on a response to PFAW's FOIA request for the study. Jeannie should have the final copy of that reply.

Peggy Sims
Election Research Specialist

Gracia Hillman/EAC/GOV

Gracia Hillman/EAC/GOV
12/14/2006 12:07 PMDear Commissioner Hillman:

To "Paul DeGregorio" <pdegregorio@eac.gov>, "Donetta Davidson" <Ddavidson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, "Jeannie Layson" <jlayson@eac.gov>, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>
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----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Margaret Sims/EAC/GOV
12/14/2006 12:55 PM

To Juliet E. Hodgkins/EAC/GOV, Jeannie Layson/EAC/GOV
cc
Subject PFAW Response to EAC Vote Fraud Report

Are there any plans to rebut the PFAW response? If so, may I help? --- Peggy
----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Jeannie Layson/EAC/GOV
12/14/2006 01:08 PM

To Margaret Sims/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC
Subject Re: PFAW Response to EAC Vote Fraud Report

I didn't get any comments from you regarding yesterday's response to Rick Hasen. Any thoughts on that?

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

Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
Margaret Sims/EAC/GOV

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Margaret Sims/EAC/GOV
12/14/2006 01:19 PM

To Jeannie Layson/EAC/GOV@EAC
cc
Subject Re: PFAW Response to EAC Vote Fraud Report

Sorry. I saw a message addressed to the Commissioners. I did not realize the fact that I was cc'd meant that you wanted my comments as well. Will do better next time. In the case of PFAW, I think we may need to address other points, as well. I can put some comments in bullet form, and you can take them or leave them. --- Peggy

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
12/14/2006 01:08 PM

To Margaret Sims/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC
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----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Karen Lynn-Dyson/EAC/GOV

12/14/2006 01:36 PM

To Margaret Sims/EAC/GOV@EAC

cc "Donetta Davidson" <Ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC, "Jeannie Layson" <jlayson@eac.gov>, Juliet E. Thompson/EAC/GOV@EAC, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>, "Paul DeGregorio" <pdegregorio@eac.gov>, "Sheila Banks" <sbanks@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC

Subject Re: People For

Peg, et.al-

I did not have any interaction with this group.

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

Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV

12/14/2006 12:40 PM

To Gracia Hillman/EAC/GOV@EAC

cc "Donetta Davidson" <Ddavidson@eac.gov>, "Jeannie Layson" <jlayson@eac.gov>, Juliet E. Thompson/EAC/GOV@EAC, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>, "Paul DeGregorio" <pdegregorio@eac.gov>, "Sheila Banks" <sbanks@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC

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Peggy Sims
Election Research Specialist

Gracia Hillman/EAC/GOV

12/14/2006 12:07 PM

To "Paul DeGregorio" <pdegregorio@eac.gov>, "Donetta Davidson" <Ddavidson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, "Jeannie Layson" <jlayson@eac.gov>, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>

cc "Sheila Banks" <sbanks@eac.gov>

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Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Gracia Hillman/EAC/GOV

12/18/2006 12:44 PM

To pdegregorio@eac.gov, Ddavidson@eac.gov, Margaret Sims/EAC/GOV@EAC

cc

Subject Suggested Timeline for Election Crimes Study

Attached is the suggested timeline that I offered for the Election Crimes Study.

It is an excel spreadsheet, which, if printed, should be done with Landscape layout. If printed on 8 1/2 x 11 paper, it will print as two pages.

Election Crimes, Proj 2007 Timeline.xls

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Thomas R. Wilkey/EAC/GOV
01/23/2007 02:35 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Fraud report

Was the report that was drafted after the working group meeting or the interviews done with eac participant reviiewed after the draft was completed.
Need this right away

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Karen Lynn-Dyson/EAC/GOV
01/26/2007 11:49 AM

To Elieen L. Kuala/EAC/GOV@EAC
cc Margaret Sims/EAC/GOV@EAC
Subject Re:

Peg-

Could you get Elle and answer on this, if she hasn't already gotten one?

Thanks

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

Elieen L. Kuala/EAC/GOV

Elieen L. Kuala/EAC/GOV
01/23/2007 02:14 PM

To "Karen Lynn-Dyson" <klynndyson@eac.gov>
cc
Subject

Hey Karen,

Did Barbara Arnwine ever attend ANY of the voter fraud working group meetings?

Thanks,

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

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Elieen L. Kuala/EAC/GOV
01/26/2007 11:54 AM

To klynndyson@eac.gov@EAC
cc Margaret Sims/EAC/GOV@EAC
Subject Re:

I already got one, thanks!

Elle L.K. Kuala
Special Assistant to the Chair
U.S. Election Assistance Commission
office: (202) 566-2256
blackberry: (202) 294-9251

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
01/26/2007 11:49 AM

To Elieen L. Kuala/EAC/GOV@EAC
cc Margaret Sims/EAC/GOV@EAC
Subject Re:

Peg-

Could you get Elle and answer on this, if she hasn't already gotten one?

Thanks

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

Elieen L. Kuala/EAC/GOV

Elieen L. Kuala/EAC/GOV
01/23/2007 02:14 PM

To "Karen Lynn-Dyson" <klynndyson@eac.gov>
cc
Subject

Hey Karen,

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

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 04/24/2007 02:50 PM -----

Juliet E. Hodgkins/EAC/GOV
02/09/2007 05:45 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Fw: 1099

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 02/09/2007 05:44 PM -----

"Job Serebrov"
[redacted]
02/09/2007 05:33 PM

To "Julie Thompson-Hodgkins" <jhodgkins@eac.gov>
cc
Subject 1099

Margaret Sims/EAC/GOV
04/23/2007 02:58 PM

To Curtis Crider/EAC/GOV@EAC
cc
bcc
Subject Re: documentation for evaluation

Curtis:

I believe that the only items I have in hard copy, and not in electronic format, are my working copies of the contracts (official copies would be in the agency contract files), the monthly pay invoices and travel reimbursement requests submitted by the consultants, and some DOJ training documentation that was given to us on condition that we keep it confidential.

Other than emails, the documentation that is in electronic form is housed in EAC's shared drawer at T:\RESEARCH IN PROGRESS\VOTING FRAUD-VOTER INTIMIDATION. Do you have read access to that?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

Curtis Crider/EAC/GOV

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

To EAC Personnel
cc
Subject documentation for evaluation

All:

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

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

Thank you,

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

Important: This electronic transmission is intended for the use of the individual or entity to which it is

Margaret Sims/EAC/GOV
05/01/2007 08:58 PM

To eaccon@eac.gov
cc
bcc
Subject Vote Fraud Study-Archived Email Part 5

Fifth batch attached. More to come. --- Peggy Sims

Please do ask him. Thanks

-----Original Message-----
From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 03, 2006 4:14 PM
To: wang@tcf.org;[redacted]
Subject: Fw: DOJ Training Materials

Devon's response is attached. Guess I'll add this to the list of questions going to Donsanto.
---Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/03/2006 05:12 PM -----

Devon E. Romig/EAC/GOV

04/03/2006 04:21 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: DOJ Training Materials Link

Peggy,

The sections that you listed below are also empty in our copy. I have attached a copy of the complete table of contents with all of the section that are empty in our copy of the 2004 DOJ training binder.

Thanks,

Devon

Margaret Sims/EAC/GOV

04/03/2006 03:47 PM

To dromig@eac.gov
cc
Subject DOJ Training Materials

Devon:
One of our consultants noted that there are several sections appear to be missing from the 2004 DOJ training binder. She wasn't sure if it is because of what DOJ sent over to EAC or a problem in the photocopying. From what she can see, some of the table of contents is missing and tabs 14, 15, 16, 17, 21, 23 and 26 are all empty. I think we must have provided the T of C because I don't see one in the binder. Can you please retrieve the binder and check this out for me?
Thanks! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----

"Tony J. Sirvello III" [redacted]

04/05/2006 05:01 PM

To psims@eac.gov
cc
Subject Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Hi Peg,

I will call J.R. on Thursday to run it by him and let you know what he says. As for my availability on Wednesday, April 12, the answer is "yes". Morning is best for me, although I could be available in the afternoon. You choose a time and I will be here.

Thanks,

Tony
----- Original Message -----
From: psims@eac.gov
To: [redacted]
Sent: Wednesday, April 05, 2006 12:32 PM
Subject: Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter

Intimidation Working Group

Tony:

Which one do you think would be best? J.R. Perez, as Election Administrator, should have knowledge of voting fraud and voter intimidation in both voter registration and voting. I assume that, though Patricia is the voter registration supervisor, she also would have knowledge of voting fraud and voter intimidation in balloting. Would they be available in May for a meeting of the project working group? Who could best stand up to the DNC and RNC counsels?

On a related matter, would you be available for our consultants to interview you by telephone next Wednesday? If so, let me know a convenient time. I'll confirm the time with the two consultants, Job Serebrov and Tova Wang. Then, I'll get back to you with the toll-free line and pass code you will need to use for the teleconference.

Thanks!

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"Tony J. Sirvello III" [redacted]

04/04/2006 02:17 PM

To "Peggy Sims" <psims@eac.gov>

cc

Subje Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation ct Working Group

Good Afternoon Peg,

How about J. R. Perez, Elections Administrator, Guadalupe County or Patricia Benavides, Voting Registration Supervisor, Tarrant County, Texas?

Tony

----- Original Message -----
From: Helen Jamison
To: Tony J. Sirvello III
Sent: Tuesday, April 04, 2006 11:46 AM
Subject: RE: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Dear Tony,
Unfortunately both Javier and myself have to decline in being members of the woking group from Texas. It is a bad time of the year where we have so many elections and would not be able to contribute enough time to doing research of any kind. Please keep us in mind for future meetings.
Helen Jamison
-----Original Message-----
From: Tony J. Sirvello III [redacted]
Sent: Monday, April 03, 2006 1:19 PM
To: Helen Jamison; Javier Chacon
Subject: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Helen, Javier,

Attached is the information from the EAC requesting your services as a member of the working group from Texas. Please let me know in a couple of days if one of you will be able to participate. If you need more information, call me and I will conference in with Peggy Sims, who can give you more details.

Thanks,

Tony

----- Original Message -----
From: psims@eac.gov
To: t[redacted]
Sent: Thursday, March 16, 2006 10:29 AM
Subject: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Tony:

Thanks for being willing to help me identify a qualified, nonpartisan local election official to serve on our Project Working Group for the preliminary research being conducted on voting fraud and voter intimidation.

Background

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

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

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

Preliminary EAC Research

Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

1. develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
2. perform preliminary research on these topics (including Federal and State administrative and case law review), identify related activities of key government agencies and civic and advocacy organizations, and deliver a summary of this research and all source documentation;
3. convene a meeting of a project working group composed of key individuals and representatives of organizations knowledgeable about the topics of
voting fraud and voter intimidation, provide the results of the preliminary research to the working group, and record the working group's deliberations; and
4. produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future EAC action, if any.

The Project Working Group will probably meet only once during this preliminary research effort (probably in late April) to review the consultants research and provide input. Other members of the Working Group are lawyers from advocacy groups and major political parties, two State election officials, and Barry Weinberg, former Deputy Chief of DOJ's Voting Section, Civil Rights Division. Craig Donsanto, Director of DOJ's Election Crimes Branch will serve as a technical advisor to the group.

I really appreciate any help you can offer in identifying a qualified individual to fill the slot on the Working Group that has been reserved for an experienced, nonpartrisan local election official.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"Tony J. Sirvello III" [redacted]

04/04/2006 02:17 PM

To "Peggy Sims" <psims@eac.gov>

cc

Subje Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation
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Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov
---- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM ----

Margaret Sims/EAC/GOV
04/06/2006 03:27 PM

To "Tony J. Sirvello III"[redacted]@GSAEXTERNAL
cc
Subject Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Tony:

How about scheduling the teleconference with our consultants for 10 AM CST/11 AM EST on Wednesday, April 12? --- Peggy
---- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM ----

"Tova Wang"
<wang@tcf.org>
04/04/2006 09:49 AM

To psims@eac.gov, "'Job Serebrov'"[redacted]
cc
Subject RE: Project Working Group Meeting

No, except it means pushing everything back, ie the final report. I suppose we could, as we discussed, take a week or two off in May and tack it on to June. Theres no way we could write a final report in ten days, obviously. That would be fine with me.

-----Original Message-----
From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, April 04, 2006 8:46 AM
To: Tova Andrea Wang; Job Serebrov
Subject: Project Working Group Meeting

The Chairman and Vice Chairman are interested in attending the meeting. Due to schedule conflicts, they are asking us to look at the week of May 15. Does that pose a problem for either of youpeggy

---
Sent from my BlackBerry Wireless Handheld

---- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM ----

"Tova Wang"
<wang@tcf.org>
04/12/2006 12:30 PM

To "'Job Serebrov'" <[redacted]>, psims@eac.gov
cc "'Nicole Mortellito'" <nmortellito@eac.gov>
Subject RE: working group meeting

That's fine, just asking

-----Original Message-----
From: Job Serebrov [redacted]
Sent: Wednesday, April 12, 2006 11:26 AM
To: Tova Wang; psims@eac.gov
Cc: 'Job Serebrov'; 'Nicole Mortellito'
Subject: Re: working group meeting

It was my understanding that the meeting would be on the 15th or later.

Tova, Peggy is out of the office this week.

--- Tova Wang <wang@tcf.org> wrote:

> I cannot do it on May 5 now. Any update on a date?
> I will be in DC for
> other meetings May 4 - May 7 if that makes any
> difference (EAC would not
> have to pay my transportation if it was on, for
> example, Monday May 8 or
> possibly even the 9th) Thanks.
>
> Tova Andrea Wang
> Democracy Fellow
> The Century Foundation
> 41 East 70th Street - New York, NY 10021
> phone: 212-452-7704 fax: 212-535-7534
>
> Visit our Web site, <http://www.tcf.org/>
> www.tcf.org, for the latest news,
> analysis, opinions, and events.
>
> _____
>
> <mailto:join-tcfmain@mailhost.groundspring.org>
> Click here to receive our
> weekly e-mail updates.
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM -----

"Tova Wang"
<wang@tcf.org>
04/11/2006 11:42 AM

To psims@eac.gov, "'Job Serebrov" [redacted]
cc "'Nicole Mortellito'" <nmortellito@eac.gov>
Subject RE: Kennedy Interview

As I have alerted Nicole, the call is not working. Someone ought to get in touch with Kevin -- I do not have his contact information.

-----Original Message-----
From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 10, 2006 8:45 PM
To: Tova Andrea Wang; Job Serebrov
Subject: Kennedy Interview

It appears that the teleconference with Kevin Kennedy is set for tomorrow, April 11, at 10:30 AM CST/11:30 AM EST. Use the usual phone number (866-222-9044) and passcode (62209).

If you have trouble connecting, contact Nicole..
Peg

Sent from my BlackBerry Wireless Handheld

---- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM ----

Nicole Mortellito/CONTRACTOR/EAC/GOV
04/11/2006 11:45 AM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL
cc psims@eac.gov, "'Job Serebrov'" [redacted]
Subject RE: Kennedy Interview

the call is up and running!! you may dial in

Regards,

Nicole K. Mortellito
Research Assistant
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone
202.566.3128 fax

"Tova Wang" <wang@tcf.org>

04/11/2006 11:42 AM

To psims@eac.gov, "'Job Serebrov'" <[redacted]
cc

"'Nicole Mortellito'" <nmortellito@eac.gov>
Subject RE: Kennedy Interview

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Sent from my BlackBerry Wireless Handheld

---- Forwarded by Margaret Sims/EAC/GOV on 05/01/2007 08:46 PM ----

Nicole Mortellito/CONTRACTOR/EAC/GOV
04/10/2006 10:05 AM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Teleconference set up

You are set for the 12th at 11am 866-222-9044 pass code 62209

Regards,

Nicole K. Mortellito
Research Assistant
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone
202.566.3128 fax
Margaret Sims/EAC/GOV