

PROVISIONAL VOTING NARRATIVES

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

Progress: The state-by-state database is complete, as is a first draft of all state narratives. This work has been shared with the larger team and is being reviewed currently in preparation for constructing analysis and recommendation of alternative approaches for provisional voting required under Task 3.5.

Work Plan: In the next month, revisions of the narratives will be complete. In addition to this research, we will expand upon vote fraud research and examine further the relationship between instances of vote fraud and ensuing election reforms.

SURVEY OF COUNTY ELECTION OFFICIALS

Description: The Center for Public Interest Polling (CPIP) at Eagleton conducted a national survey of county election officials to measure several aspects of provisional voting. The survey was designed to determine the following factors related to provisional voting at the county (or equivalent election jurisdiction) level:

- The content and quality of instructions provided to county officials by the states;
- The steps taken by county officials to pass information on to poll workers;
- Differences in experience between states new to provisional voting and those that had some form of provisional ballot before HAVA; and
- Recommendations to improve and/or reduce the need for provisional voting.

Progress: The fielding and initial analysis of the survey results are complete.

Work Plan: The information derived from the survey will be considered in drafting the analysis and alternatives document required under Task 3.5.

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. During the reporting period, we have completed tasks 3.10 and 3.11. The research on Voter ID requirements is proceeding concurrently with our work on the experience of provisional voting.

Task 3.10: Legislation, regulations, and litigation

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

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

Progress: The chart created to collect data on voter identification is complete and is now being reviewed. Voter identification statutes are being collected.

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

Work Plan: Review of the voter identification chart, the collection of the voter identification statutes, and the writing of the state by state summaries will be completed by the end of August.

SUPPLEMENTS TO LEGAL ANALYSIS

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

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern

with increasing the rigor of voter ID requirements. The next key milestones will be the completion of the state database and drafting the first narratives.

VOTER ID AND TURNOUT ANALYSIS

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

Description: We are creating a database and gathering statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election.

Progress: The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. It also contains exit poll data from the 50 states, providing demographic data of voter turnout. The analysis of that data is well underway.

Challenges: The initial methodology that was devised to investigate the questions involved in this part of the study proved insufficient, as the necessary data was unobtainable (the Census Bureau has not yet released their 2004 data). After re-developing an appropriate methodology, the necessary data has been assembled, we have resumed the analysis of this data.

Projection: The analysis of the impact that voter identification requirements have upon voter turnout should be completed around mid-August.

Task 3.11 Public meeting on Voter Identification Requirements

Description: In early July, we continued our efforts to identify specific Voter ID topics or issues and panelists who could shed light on them. We recommended a focus on the debate over Voter ID now underway in the states. To provide a vivid picture of the debate, we recommended that one panel include specific legislators on opposite sides of the issue from two different states, Mississippi and Wisconsin. We also discussed adding a researcher to the panel in order to place the debate in a national or historical context. We also recommended a panel of two academic researchers with contrasting points of view, to address the effects of Voter ID provisions under HAVA. In response to our suggestions, EAC staff recommended a panel of two state election directors to address the interaction of Voter ID with HAVA.

By mid-July, the EAC had decided which topics and speakers should be invited, however most of those speakers proved unable to attend.

Progress: Tom O'Neill and Dan Tokaji attended the EAC Public Meeting held in Pasadena on July 28. Their presentations at the meeting described the progress of the research and our developing perspective on how to assess the quality of the provisional voting process in the states and identify possible steps for improvement.

Challenges: The changes in the scheduling of the July meeting delayed and ultimately made it impossible to assemble a panel, from which we could derive substantive insight into voter identification issues as they are playing out in the states. Additionally, due to the date of the hearing, the information from the hearing was not available as early in the research process as contemplated in the contract.

Projection: Preparation of the hearing summary will likely be delayed, due to the team's focus on preparation of the analysis and alternatives paper.

PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). The EAC indicated at our first meeting in May that it would review our recommendations for members of the PRG. Our initial vision of the PRG was a small group of scholars and representatives of advocacy organizations that would comment on the research design, review drafts of our analyses and reports, and, in general, identify areas of the research that should be strengthened and help us improve the breadth, depth and clarity of reports based on that research.

Progress: Upon reflection, the project team agreed that the PRG should not include representatives of advocacy groups. We concluded that as representatives they would feel obligated to act as advocates for positions already taken by their groups. While advocacy organizations might be consulted as stakeholders during the course of our work, they were unlikely to achieve the goals we had in mind for the PRG as a source of advice on research design, methodology, and analysis. We submitted a revised list of potential members, substantially comprised of academics, to the EAC for review.

The EAC responded with suggestions concerning both the balance of the PRG's membership and the creation of additional committees to review our work. We provided an analysis of the cost and time involved in adopting the EAC's suggestions as well as with suggestions for a balanced selection of academics for the Peer Review Group. In the end, the EAC determined that Eagleton should appoint a balanced Peer Review Group of its own choosing. Initial phone calls were made to all members of that group by the end of July, and written invitations and descriptions of the process have gone to all possible members who had indicated their interest in serving.

Challenges: Communications on this issue with the EAC were not clear or timely. The purpose of the PRG is to review our work, and to comment on our research design, which is well underway. We had planned to have the PRG in place early enough in the project to enable them to provide feedback, including the research design. While we are

confident in the quality of our work, the experience and perspective of the Peer Review Group will strengthen our analysis and recommendations as we find a way to receive its critique in the more limited time now available. The delay in creating the Peer Review Group will result in a delay in the completion of the final draft of the analysis and alternatives paper and in the preliminary guidance document.

Projections: The work of the PRG will be about 2 weeks behind the milestones indicated in the work plan.

COORDINATION AND INFORMATION MANAGEMENT

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

INFORMATION SYSTEM

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

Progress: The Moritz team has provided Eagleton staff with all completed work. An Eagleton staff member reviews the content and formats of data from all supporting research and will (re-)format once the work has been completed for the compendium and reports submitted to the EAC. The researchers and staff at Eagleton have created a shared folder on the Institute's server for the safe storage of work and access for those staff members. All of this work is being reviewed by the project team to ensure that a broad survey is being performed.

Projections: By the end of July 2005, much of the above referenced research has been completed. The entire project team has begun the process of reviewing all work, and will combine and format all documents and materials in preparation for our final reporting to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site. The Intranet facilitates the exchange of information and collaboration among project participants.

Progress: Project team members regularly post drafts, completed materials and spreadsheets online for internal review. The intranet has been extremely helpful to team members and serves as an internal website with announcements and important documents readily available to all team members.

FINANCIAL REPORT

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

A detail of expenses incurred from project inception through June 30, 2005, is attached.

Karen Lynn-Dyson/EAC/GOV

07/15/2005 04:16 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC
cc Sheila A. Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC
bcc

Subject Fw: Eagleton Institute June 2005 Progress Report

Should any of you all need or want a sense of what Eagleton has done on provisional voting and voter identification in preparation for the Cal Tech meeting, attached is their June monthly report.

K

Karen Lynn-Dyson
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U.S. Election Assistance Commission
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Washington, DC 20005
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— Forwarded by Karen Lynn-Dyson/EAC/GOV on 07/15/2005 03:57 PM —



"Lauren Vincelli"
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07/14/2005 04:43 PM

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Subject Eagleton Institute June 2005 Progress Report

Ms. Dyson,

Attached please find the June 2005 Progress Report for the project entitled, "Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures." If you have any questions regarding any part of this document please direct them to Tom O'Neill at: [REDACTED]

The financial reporting for this project is performed by the Division of Grant and Contract Accounting at Rutgers University. A copy of this report was not made available to us in an electronic format. Hard copies of the Progress Report and Financial Report have been Fedex'ed to you this afternoon and should arrive to your attention tomorrow morning. Please let me know if you do not receive this package by tomorrow afternoon.

Thank you for your time, have a great evening.

Best,
Lauren Vincelli

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EAGLETON INSTITUTE OF POLITICS

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

**MONTHLY PROGRESS REPORT
JUNE 2005**

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

July 14, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
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OUTLINE

- Introduction
- Provisional Voting
 - Task 3.4
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from the start of the project on May 26 through June 30, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

The objective of the contract is to assist the EAC in the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements on which to base policy recommendations as guidance for the states in the conduct of the 2006 elections. The work has begun well, thanks to the clarity of the EAC's expectations and the strong collaboration by the scholars and staff at the Eagleton Institute of Politics at Rutgers, The State University of New Jersey, and the Moritz College of Law at the Ohio State University.

The document report is divided into 4 sections that cover: Provisional Voting, Voter Identification Requirements, Project Management, and the Financial Report. Each section references the specific tasks described in paragraph 3 of the contract.

Please direct any questions or comments about this report to Tom O'Neill at:

[REDACTED]

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to provisional voting. Work on the first of these must be complete before proceeding to later tasks. The work plan provides for two months to complete Task 3.4. Work on this task is on schedule.

Task 3.4: Collect and analyze state legislation, administrative procedures, and court cases. Understand the disparities and similarities of how provisional voting was implemented around the country.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. When complete, this information will constitute the compendium of legislation, administrative regulations, and case law called for under this task. It also will provide a base of understanding for the analysis of states' actual experience with provisional voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team includes faculty, an executive administrator, a reference librarian, and several research assistants. It began immediately to compile statutes, case law and administrative procedures regarding Provisional Voting. The team has created a 50 state chart to summarize information on provisional voting. Categories for which state statutes and administrative procedures are being reviewed include:

- *When did the state create a system compliant with the HAVA provisional ballot requirements?*
- *Who may be eligible to cast a provisional ballot? and*
- *What is the process for discovering whether your provisional ballot was counted in the election?*

Progress: Initial research for 27 states, including the collection of provisional voting statutes is complete. This phase of the work is on schedule for completion by August 1. By the beginning of the week of July 11, Moritz's full time research assistant will move from voter identification research to gathering and organizing case law on provisional voting.

Challenges: Identifying the relevant statutes has been challenging; states use different terminology to codify provisional voting issues. Many states have scattered election law provisions throughout their codes. This variation from state to state makes creating a snapshot view across states a challenge. The team is meeting this challenge, and the work is on schedule.

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team is constructing a narrative description for each state of the 50 states and the District of Columbia. It is also surveying a stratified random sample of county election officials to improve its understanding of actual practice in administering provisional voting.

Description: To construct the narratives, a researcher is examining newspaper accounts, state websites, and reports from third-party organizations to determine what information is publicly available about these issues during the 2004 election. To organize the information derived from this examination, we are creating an information system that will make it possible to catalog the basic information about the states (i.e. whether a state was new to provisional voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combine it with Moritz's collection and analysis of statutes, regulations and litigation. The information system will make it possible to provide answers to such topics of particular interest listed in the contract as: How did preparation for provisional voting vary between states that had some form of provisional voting and those that did not?" and "How did litigation affect implementation?"

Progress: The researcher in this area has identified sources of information for every state and the collection process is well underway. Verified database entries for 24 states are complete, as are two state narrative summaries. This phase of the research is on schedule for completion by the end of July.

Challenges: A key challenge is determining just what states actually did in practice to verify and count provisional ballots. A second challenge has been determining the variations in policy within individual states. We are still wrestling with resolving this challenge, but the work is on schedule.

Work Plan: By the end of the July, the compilation of statutes, administrative regulations, and litigation will be complete and ready to be combined with the state-by-state narrative compiled by Eagleton. That will form the basis for the analysis and recommendation of alternative approaches for provisional voting required under Task 3.5.

SURVEY OF COUNTY ELECTION OFFICIALS

This survey will help the research team understand more about such key topics of interest as:

- "How did the experience of provisional voting vary between states that previously had some form of provisional voting and those where provisional voting was new in 2004?"
- "Did state and local processes provide for consistent counting of provisional ballots?"
- "Did local officials have a clear understanding of how to implement provisional voting?"

The survey results will supplement the information on these topics from the compilation of statutes, regulations and cases and from the narrative we are constructing for each state.

Description: The Center for Public Interest Polling (CPIP) at Eagleton is conducting a national survey of county election officials to measure several aspects of provisional voting. The survey is designed to determine the following factors related to provisional voting at the county level:

- The content and quality of instructions provided to county officials by the states
- The steps taken by county officials to pass information on to poll workers;
- Differences in experience between states new to provisional voting and those that had some form of provisional ballot before HAVA; and
- Recommendations to improve and/or reduce the need for provisional voting

Progress: The survey instrument is complete. CPIP has compiled a list of election officials at the county level and at the municipal or regional level for states that do not assign the election responsibility to counties. It was forwarded to the call center, Schulman, Ronca & Bucuvalas Inc., (SRBI) the week of July 5, 2005. A sample will be drawn the week of July 12. Human Subjects Approval from Rutgers University was granted July 12. Pre-notification letters will be sent to election officials around July 12-13, 2005. The EAC has reviewed a draft of this letter, which we have now revised to make clear that the survey will increase our understanding of the provisional voting process, but is not being conducted on behalf of the EAC.

Challenges: We made special efforts to expedite Human Subject Approval to meet the schedule in the work plan. In the absence of an existing, reliable database of local election officials, we had to create one especially for this project. In order to provide a valid comparison between the states new to provisional voting with those that previously had some form of provisional ballot we doubled the sample size from 200 to 400. This increase will require an increase in the budget for the survey from \$15,000 to about \$24,000. We intend to reallocate costs within the existing budget to make this improvement possible, and will submit a letter describing the reallocation to the EAC in mid-July.

The sample has been, and will continue to represent the biggest challenge in this survey. Compiling the sample required substantial coordination and research to determine the accuracy of the identity and contact information for potential respondents. The difficulty in determining the appropriate contact is attributed to variation in county election officials' titles, jurisdiction types, and state and county election structures across the country. In addition to the potential pitfalls of reaching the appropriate county official, another factor in actually making contact with this special population will be dependent upon the hours that they keep, and may be hindered by the summer season.

Work Plan: This questionnaire will be pre-tested by July 15, and will field July 18 through August 5, 2005. This is somewhat later than projected in the revised work plan, but the information will arrive in time to be considered in drafting the analysis and alternatives document required under Task 3.5.

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. During the reporting period, we have made substantial progress in the first two tasks, which constitute the information-gathering phase of the work on Voter ID. The research of Voter ID requirements is proceeding concurrently with our work on the experience of provisional voting.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. When complete, this information will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: A team of Election Law@Moritz faculty, executive administrator, a reference librarian, and several research assistants is compiling statutes on Voter Identification, and providing a summarized analysis of this research.

Progress: The Moritz team has created a 50-state chart to record data on voter identification. Categories for which state statutes and administrative regulations are being reviewed include: “*Who is required to present ID*”, “*Types of ID required*”, and “*Consequences of having no ID*”. We have completed the initial research for 45 states and have collected the voter identification statutes for those states. An *Election Law@Moritz* Fellow is conducting an academic literature review on voter identification. This literature review will help shape the analytical framework that will guide us when the compendium of statutes and administrative regulations is complete.

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

Projections: At the current rate, a draft of the voter identification chart should be complete on schedule, by the end of July. Work on the literature review will continue into August, but will be available to inform the analysis of alternative approaches for voter identification called for by Task 3.12 of the contract.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter in the states; and second, estimating the effect on turnout of voter id requirements. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern with more rigorous identification requirements for all voters. We are following these developments both to

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monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern with increasing the rigor of voter ID requirements. This work is on schedule to be completed by the end of July. The next key milestones will be the completion of the state database and drafting the first narratives.

VOTER ID AND TURNOUT ANALYSIS

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

Description: We are creating a database and gathering statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election. Analysis on the county-level will enable us to estimate the influence of ID requirements on various age groups, races, ethnicities and gender groups. We are compiling data from both the 2000 and 2004 Presidential elections to measure the effect that changes in ID requirements may have had on voter turnout through two national election cycles.

Progress: The structure of the database is complete. It contains demographic information from the Census, and turnout data from various sources. The researcher assigned to this task is devising the syntax that will be required to run the statistics when the dataset is complete. The methodology for this part of the study is complete, and the actual data collection will soon be finished.

Projection: We are waiting for the Census Bureau to release the 2004 County Demographic Estimates. We have ordered and await the arrival of 2 datasets that contain voter turnout and voter registration numbers on the county-level for both the 2000 and 2004 elections. Once these two sources of information are received, the researcher will insert this information into the existing database, clean up the dataset, and begin to run the statistics. By that point, the researcher will have separated the states into various ID-requirement groupings that have been determined by the team, which will require coordination with several other parts of the study. This work is on schedule. By the end of July, the researcher should have county-level and state-level statistics on the impact of each ID system upon turnout, analyzed through various demographic features on the county-level.

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Task 3.11 Public meeting on Voter Identification Requirements

Description: We are working closely with EAC staff, particularly the General Counsel, to plan a half day public meeting on Voter ID requirements. Presentations at the meeting will form an important part of the information we are compiling about Voter ID requirements and the strengths and shortcomings of a range of alternative approaches.

Progress: We have recommended a focus on the debate over Voter ID now underway in the states. To provide a vivid picture of the debate, we have recommended that one panel include legislators on opposite sides of the issue from two different states. Our research identified Mississippi and Wisconsin as two states to focus on, and we have recommended specific legislators from each. We have discussed with staff adding a researcher to the panel to put the debate in Wisconsin and Mississippi in either a national or historic context. We also recommended two researchers from contrasting points of view, to address the effects of Voter ID provisions under HAVA and broader provisions that are now the subject of national debate. EAC staff recommended a panel of two state election directors to address the interaction of Voter ID with HAVA. We are awaiting a decision on our recommendations from EAC staff. We have no reason not to believe that the work is on schedule to be completed in time to organize a productive meeting on July 28.

Challenges: The date and location of this hearing has been changed twice since the beginning of the project. It was originally scheduled to take place in late June, but was rescheduled for July to allow the June hearing to focus on voting machine technology. The regular meeting was rescheduled for July 26 in Minneapolis, and was recently changed to July 28 in Pasadena. The changes in the scheduling of the July meeting have complicated our choice of panelists. More seriously, the changes mean that information from the hearing will not be available as early in the research process as contemplated in the contract. This timeframe will now require the team to summarize the hearing events at the same time that we are drafting the analysis and alternatives paper in early August.

Additionally, while our contract states that the "Contractor shall be responsible for all aspects of planning and conducting this hearing in consultation with the EAC," we have been asked only to make recommendations of topics and panelists, and the arrangements for the organization of the hearing are in other hands. This lack of clarity has caused some confusion and has delayed invitations to panelists. Thanks to frequent communication with members of the EAC, the process now seems to be working smoothly.

Projection: We believe the work is on schedule for completion in time to recruit the panelists for the July 28 hearing. Preparation of the hearing summary will likely be delayed because of the need to complete the analysis and alternatives paper.

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PROJECT MANAGEMENT

Immediately after announcement of the award of the contract, Eagleton and Moritz began supplementing the core group that had prepared to proposal to building a highly qualified team to undertake the work. That team was in place by mid June, just a few weeks after the contract award.

As described in the proposal, the direction of the project is the responsibility of a five-person committee of faculty and staff from Eagleton and Moritz, chaired by Dr. Ruth Mandel, Director of the Eagleton Institute of Politics. Project Director Thomas O'Neill, a consultant to Eagleton, reports to this team and provides day-to-day guidance and coordination for the research. A weekly meeting of all the researchers engaged in the project if the primary means of coordinating the work. We have recently added an internal website to facilitate the review and revision of written materials.

Task 3.1 Update the Work Plan

The first task was completed on time with the submission of a detailed work plan and timeline. EAC staff requested that the work plan be supplemented with a Gantt chart created on MS Project, and we submitted that a few days later.

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). The EAC indicated at our first meeting in May that it would review our recommendations for members of the PRG. Our initial vision of the PRG was a small group of scholars and representatives of advocacy organizations that would comment on the research design, review drafts of our analyses and reports, and, in general, identify areas of the research that should be strengthened and help us improve the breadth, depth and clarity of reports based on that research.

Progress: Upon reflection, the project team agreed that the PRG should not include representatives of advocacy groups. We concluded, as representatives they would feel obligated to act as advocates for positions already taken by their groups. While advocacy organizations should be consulted as stakeholders during the course of our work, they were unlikely to achieve the goals we had in mind for the PRG as a source of advice on research design, methodology, and analysis. We submitted a revised list of potential members, substantially comprised of academics, to EAC for review.

The EAC responded with suggestions concerning both the balance of the PRG's membership and the creation of additional committees to review our work. We answered with an analysis of the cost and time involved adopting the EAC's suggestions as well as with suggestions for a balanced selection of academics for the Peer Review Group. We have not received response on this correspondence from the EAC, and the recruitment of the group is on hold.

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Challenges: Communications on this issue with the EAC have not been clear or timely. The PRG should be in place now to comment on our research design while there is still time to refine it. While we are confident in the quality of our work, the wisdom and perspective of the outstanding candidates we have proposed for membership would strengthen the analysis and reports of our work.

Projections: We have effectively brought these challenges to the attention of EAC staff and look forward to a resolution speedy enough to allow recruitment of the PRG's members before the end of the month. If we meet that goal, the work of the PRG will be about 2 weeks behind the milestones indicated in the work plan.

COORDINATION AND INFORMATION MANAGEMENT

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

INFORMATION SYSTEM

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

Progress: The Moritz team has provided Eagleton staff with samples of the work that they are performing. An Eagleton staff member will be reviewing the content and formats of data from all supporting research and (re-)formatting once the work has been completed. The researchers and staff at Eagleton have created a shared folder on the Institute's server for the safe storage of work and access for those staff members. All of this work is being reviewed by the project team to ensure that a broad survey is being performed.

Challenges: There are no evident challenges to this task at this time.

Projections: By the end of July 2005, much of the above referenced research will have been completed with respective materials and charts near completion. At that time, staff at Eagleton will review, combine and format all documents and materials in preparation for our final reporting to the EAC.

INTRANET

Description: A trial Intranet for the project became available during the week of June 26. The Intranet will facilitate the exchange of information and collaboration among project participants.

Progress: After meetings with staff members of Rutgers University Computer Services (RUCS) and subsequent submission of a proposal by RUCS for technical support and hosting of the Intranet and the evaluation of alternative commercial services, the project team decided at its June 28th meeting to publish the Intranet through www.intranets.com,

one of the leading commercial services. This decision was based on lower costs and earlier publication schedules than offered under the RUCS proposal. The Intranet services were evaluated during a free trial period, which demonstrated the ease of design and navigation of the proposed service.

Challenges: There are no immediate challenges to completion of this task by the timeframe specified below.

Projections: Design, testing and publication of initial content of the Intranet service is continuing, with all participants expected to be provided access by July 8, 2005.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Given that the report reflects the first month of the project, several procedures for payment of subcontractors on the project were initiated. Expenses related to those members of the team are not reflected in this report because they have not yet been incurred.

Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project inception through June 30, 2005, is attached.

Karen Lynn-Dyson/EAC/GOV
05/01/2006 03:03 PM

To: Thomas R. Wilkey/EAC/GOV@EAC
cc: Juliet E. Thompson-Hodgkins/EAC/GOV@EAC
bcc:
Subject: Re: E-mail to Voter ID peer reviewers

History: This message has been replied to.

It's my understanding that Julie thinks we are "good to go" as long as we don't pay them.

Correct?

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

Thomas R. Wilkey/EAC/GOV

Thomas R. Wilkey/EAC/GOV
05/01/2006 03:00 PM

To: Karen Lynn-Dyson/EAC/GOV@EAC, Juliet E.
Thompson-Hodgkins/EAC/GOV
cc:
Subject: Re: E-mail to Voter ID peer reviewers

Did we resolve the contact issues on this?

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 05/01/2006 02:58 PM
To: Thomas Wilkey; Juliet Thompson-Hodgkins
Subject: E-mail to Voter ID peer reviewers

Tom and Julie-

Please take a look at this draft e-mail and let me know if it captures all that it needs to.

Would like to get this out ASAP- appreciate your feedback..

Dear Jonathan Nagler
Dear Jan Leighley
Dear Adam Berinsky

008368

On behalf of the U.S. Election Assistance Commission (EAC), thank you in advance for agreeing to assist us with the review of research conducted by the Eagleton Institute of Politics on voter identification. By **Friday, May 5, 2006**, you will receive, in electronic form, the research paper and relevant data analysis which supports the paper's findings. Through this independent review by a small group of experts familiar with elections data and research we are seeking feedback on:

- The research methodology which was used to support the paper's conclusions
- The specific statistical applications which were used to analyze the data and arrive at various conclusions

If there are alternate methodological and statistical approaches to analyzing the data on voter identification, and if there is other data on voter identification that you think should have been included in the analysis, please be certain to note this in your comments.

On **May 11, 2006** EAC will conduct a 60-90 minute phone call with key Eagleton Institute staff responsible for the research, members of Eagleton's peer review group and the EAC-identified reviewers who have been asked to consider the research. Through this dialogue EAC hopes to gather varying perspectives and insights on the research strategies and methods that were employed by Eagleton. As a result of this conversation, EAC anticipates that some revisions will be made to the Eagleton research paper. This paper is scheduled to be presented to EAC's Board of Advisors and Standards Boards in late May.

While EAC agency policy does not allow us to provide you with financial compensation for your review of this research we greatly appreciate your willingness to assist us with this important task. We believe that the research findings we will provide on voter identification are important and will most certainly be enhanced by your insights and expertise.

Sincerely,

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

008369

Karen Lynn-Dyson/EAC/GOV

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Thompson-Hodgkins/EAC/GOV@EAC

05/01/2006 02:58 PM

cc

bcc

Subject E-mail to Voter ID peer reviewers

History

This message has been replied to

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Dear Adam Berinsky

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008370

Sincerely,

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

008371

Karen Lynn-Dyson/EAC/GOV
04/28/2006 12:44 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc arapp@rci.rutgers.edu, davander@eden.rutgers.edu,
dlinky@rci.rutgers.edu, foley.33@osu.edu,
ireed@rutgers.edu, "Johanna Dobrich"
bcc Juliet E. Thompson-Hodgkins/EAC/GOV
Subject Re: Voter ID Paper -Final Draft 

History:  This message has been forwarded

Tim, Tom, John, et.al-

The EAC has identified three academics who are going to serve as peer reviewers of the Eagleton Voter ID paper and research.

They are Jonathan Nagler of New York University, Jan Leighley, University of Arizona, and Adam Berinsky of MIT.

They are ready to review the documents as soon as they are available.

I would like to them one week to review the material and then have a joint conference call on **Thursday, May 11**, in which we would all have an opportunity to discuss the research methodology and statistical analysis, along with general comments and suggestions.

If you are able to get to me the paper and the supporting data analysis, I will distribute to the documents ASAP.

Also let me know, if you would, your availability on May 11 to do this conference all.

I anticipate that it will last approximately 90 minutes.

Regards-

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

008372

Karen Lynn-Dyson/EAC/GOV

To Juliet E. Thompson-Hodgkins/EAC/GOV@EAC

03/28/2006 10:25 AM

cc

bcc

Subject Fw: Voter ID Paper --Final Draft

Let's discuss once you've had a chance to review. As stated, there are a number of their statistical manipulations which I question.

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

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 03/28/2006 09:20 AM —



"Tom O'neill"

03/16/2006 09:27 AM

To klynndyson@eac.gov

cc

Subject RE: Voter ID Paper --Final Draft

Karen,

Glad the paper arrived. Sorry it was a bit later than promised, but we reworked the statistical analysis on the basis of some insightful suggestions by the Peer Review Group. . .that took a few extra days (and nights). Looking back at my email to you, I realize the full statistical analysis was not attached as it should have been. It is appendix to the paper that will be of interest to those who want the details of our methodology. It is attached to this email.

I will be away, without access to email, until late Monday afternoon, but if you need to, you can reach me by cell phone a [REDACTED]

Tom O'Neill

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

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

Sent: Thursday, March 16, 2006 9:00 AM

To: [REDACTED]

Subject: Re: Voter ID Paper --Final Draft

Tom-

Thanks for getting this to me. I've forwarded it on to the Commissioners.

Will try to see if I can get feedback next week.

008373

Regards-
K

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



tel:202-566-3123 Vercellotti314.doc

008374

Analysis of Effects of Voter Identification Requirements on Turnout
Tim Vercellotti
Eagleton Institute of Politics
Rutgers University

Introduction

A key area of disagreement in the policy debate over voter identification requirements concerns how such requirements affect voter turnout. Opponents of voter identification laws argue that they constitute an institutional barrier to voting, particularly among the poor, African-Americans, Hispanics, the elderly and people with disabilities (Baxter and Galloway 2005, Electionline.org 2002, Jacobs 2005, Young 2006). This argument holds that voter identification requirements create an extra demand on voters, and thus may discourage some of them from participating in elections. Further, critics argue that requiring voters to produce some form of government-issued photo identification on Election Day is more demanding than requiring, for example, that they state their names at the polling place because of the various steps needed to procure a photo identification card, ~~such as a driver's license.~~ Supporters of voter identification requirements, on the other hand, argue that the requirements are necessary to combat voter fraud, safeguard the integrity of the electoral process, and engender faith in the electoral process among citizens (Young 2006).

This report examines the potential variation in turnout rates based on the type of voter identification requirement in place in each state on Election Day 2004. It draws on two sets of data – aggregate turnout data at the county level for each state, as compiled by the Eagleton Institute of Politics, and individual-level survey data included in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. Classification of voter identification requirements comes from a review of state statutes conducted by the Moritz College of Law at the Ohio State University.

Types of voter identification requirements

Each state is classified as having one of five types of ~~identification~~**ID** requirements in place on Election Day 2004. Upon arrival at polling places, voters had to either: state their names (nine states); sign their names (13 states and the District of Columbia); match their signature to a signature on file with the local election board (eight states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (five states).¹ It was then possible to code the states according to these requirements, and test the assumption that voter identification requirements would pose an increasingly demanding requirement in this order: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification, and providing a form of photo identification.

But election laws in numerous states offer exceptions to these requirements if individuals lack the necessary form of identification. Laws in those states set a minimum standard that a

¹ Oregon conducts elections entirely by mail. Voters sign their mail-in ballots, and election officials match the signatures to signatures on file. For the purposes of this analysis, Oregon is classified as a state that requires a signature match.

voter must meet in order to vote using a regular ballot (as opposed to a provisional ballot). Thus it is also possible to categorize states based on the minimum requirement for voting with a regular ballot. In 2004 the categories were somewhat different compared to the maximum requirement, in that none of the states required photo identification as a minimum standard for voting with a regular ballot. Four states, however, required voters to swear an affidavit as to their identity (Florida, Indiana, Louisiana, and North Dakota). The five categories for minimum requirements were: state name (12 states), sign name (14 states and the District of Columbia), match one's signature to a signature on file (six states), provide a non-photo identification (14 states), or swear an affidavit (four states). This analysis treats the array of minimum identification requirements also in terms of increasing demand on the voter: state name, sign name, match signature, provide non-photo identification, and, given the potential legal consequences for providing false information, swearing an affidavit.

Analysis of aggregate data

If one treats maximum voter identification requirements as an ordinal variable, with photo identification as the most demanding requirement, one finds some statistical support for the premise that as the level of required proof increases, turnout declines. Averaging across counties in each state, statewide turnout is negatively correlated with voter identification requirements ($r = -.21$, $p < .0001$). In considering the array of minimum requirements, with affidavit as the most demanding requirement, voter identification also is negatively correlated with turnout ($r = -.16$, $p < .0001$). Breaking down the turnout rates by type of requirement reveals in greater detail the relationship between voter identification requirements and voter turnout.

[Table 1 here]

Differences in voter turnout at the state level in 2004 varied based on voter identification requirements.² Taking into account the maximum requirements, an average of 63.1 percent of the voting age population turned out in states that required voters to state their names, compared to 59.3 percent in states that required photo identification. A similar trend emerged when considering minimum requirements. Sixty-one percent of the voting age population turned out in states requiring voters to state their names, compared to 58.7 percent in states that required an affidavit from voters. While the trend is not perfectly linear, there is a general movement toward lower turnout as requirements tend toward requiring greater levels of proof.

Voter identification requirements alone, however, do not determine voter turnout. Multivariate models that take into account other predictors of turnout can place the effects of voter identification in a more accurate context. I estimated the effects of voter identification requirements in multivariate models that also took into account the electoral context in 2004 and demographic characteristics of the population in each county. To capture electoral context I

² Voter turnout is defined here as the percentage of the adult voting-age population that voted in November 2004, based on county vote totals reported by the states and U.S. Census population projections for the counties from 2003. McDonald and Popkin (2001) contend that using the voting-age population to calculate turnout understates turnout for a number of reasons. They point out that voting-age population estimates include adults who are ineligible to vote (such as convicted felons), and the estimates overlook eligible citizens living overseas. While estimates of the voting-eligible population are available at the state level, I was unable to find such estimates for individual counties, which provide the unit of analysis for the aggregate data analyzed here.

included whether the county was in a presidential battleground state (any state in which the margin of victory for the winning candidate was five percent or less), and whether the county was in a state with a competitive race for governor and/or the U.S. Senate (also using the threshold of a margin of victory of five percent or less). Drawing from U.S. Census projections for 2003, I included the percentage of the voting-age population in each county that was Hispanic or African-American to control for ethnicity and race. I controlled for age using the 2003 Census projection for the percentage of county residents age 65 and older, and I controlled for socioeconomic status by including the percentage of individuals who fell below the poverty line in each county in the 2000 Census.

I estimated a series of random intercept models to account for the likelihood that data from counties were correlated within each state (for further explanation of random intercept and other multilevel models, see Bryk and Raudenbush 1992, Luke 2004, Singer 1998).³ The dependent variable in each model was voter turnout at the county level, with turnout calculated as the percentage of the voting-age population that voted in the 2004 election.

[Table 2 here]

Turning first to an analysis using the maximum identification requirements, those requirements had a small and negative effect on turnout in 2004, controlling for electoral context and demographic factors. Both contextual factors (whether the county was in a state that was a battleground state and whether that state had a competitive race for governor and/or U.S. Senate) increased voter turnout. As the percentage of senior citizens in the county increased, so did turnout. The percentage of African-Americans in the county had no effect, but the percentage of Hispanic adults exerted a negative effect on voter turnout, as did the percentage of individuals living below the poverty line.

I then sought to test the hypothesis that voter identification requirements dampen turnout among minorities and the poor, a claim voiced by some critics of the requirements. To test this idea I incorporated a series of interactions between the maximum voter identification requirements and the percentage of African-Americans, Hispanics, and poor individuals in the counties. The interaction involving African-Americans was not significant, but those involving Hispanics and poor individuals were significant.⁴ Thus, voter identification requirements have a greater effect for Hispanics and those living below the poverty line. A chi-square test of the difference in the deviance for each model (represented by -2 log likelihood in Table 2), shows that the model with interactions provides a better fit to the data ($p = 0.0003$).

Comment [01]

I also estimated the effects of the minimum voter identification requirements holding constant the effects of electoral context and the demographic variables.

³ The data analyses provided evidence that there was, indeed, a clustering of data within each state. The intraclass correlation, bounded by 0 and 1, measures the variation between the states. A random intercept model using only the intercept as a predictor generated an intraclass correlation of .40, indicating considerable variation between the states.

⁴ The interactions are labeled in Tables 2 and 3 as VID*African-American, VID*Hispanic, and VID*Poverty. To calculate the effects of voter identification requirements for a specific group, one must add the estimates for voter identification, the group, and the interaction. Doing so for Hispanic adults results in an estimate of -0.36 [-0.04 (voter id) - 0.38 (Hispanic) + 0.06 (voter id X Hispanic)].

[Table 3 here]

The effects of the minimum requirements are not statistically significant ($p = 0.15$). The battleground state variable continues to exert a positive influence on turnout, while the presence of a competitive race for governor and/or U.S. Senate has no statistically significant effect. As in the maximum identification requirements models, as the percentage of the population that is Hispanic or poor increases, turnout declines. As the percentage of elderly increases, so does turnout. The proportion of African-Americans in the population does not affect turnout. Adding interactive effects to the model results in a statistically significant and negative effect of minimum voter identification requirements on turnout. But one must interpret this estimate with caution. A chi-square test for the difference in fit between the two models shows no significant difference ($p = 0.08$), and thus no improvement to the fit when adding the interactions between voter identification requirements and the percentages of the county that is Hispanic or lives below the poverty line.

Analysis of the aggregate data at the county level generates some support for the hypothesis that as the burden of voter identification requirements increases, turnout declines, at least in the case of the maximum requirements. This is particularly so for counties with concentrations of Hispanic residents or individuals who live below the poverty line. But aggregate data cannot fully capture the individual demographic factors that may figure into the decision to turn out to vote. For example, previous research has found that education is a powerful determinant of turnout (Wolfinger and Rosenstone 1980, but see also Nagler 1991). Married individuals also are more likely to vote than those who are not married (Alvarez and Ansolabehere 2002; Alvarez, Nagler and Wilson 2004; Fisher, Kenny, and Morton 1993). To fully explore the effects of voter identification requirements on turnout, it is important to examine individual-level data as well.

Individual-level analysis

Individual-level turnout data exists in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. The Census Bureau conducts the CPS monthly to measure unemployment and other workforce data, but the bureau adds a battery of voter participation questions to the November survey in even-numbered years to coincide with either a presidential or midterm-Congressional election.

One of the advantages of the CPS is the sheer size of the sample. The survey's Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents.⁵ The large sample size permits analyses of smaller groups, such as Black or Hispanic voters or voters with less than a high school education. The analyses reported here are based on reports from self-described registered voters. I omitted those who said they were not

⁵ It is important to note that the Census Bureau allows respondents to answer on behalf of themselves and others in the household during the interview. While proxy reporting of voter turnout raises the possibility of inaccurate reports concerning whether another member of the household voted, follow-up interviews with those for whom a proxy report had been given in the November 1984 CPS showed 99 percent agreement between the proxy report and the information given by the follow-up respondent (U.S. Census Bureau 1990).

registered to vote. I also excluded those who said they cast absentee ballots because the identification requirements for absentee ballots may differ from those required when one votes in person. In addition, I eliminated from the sample respondents who said they were not U.S. citizens.

It is important to note here that the voter turnout rate for the CPS sample is much higher than the turnout rates presented in the aggregate data analysis. The U.S. Census Bureau reported that 89 percent of registered voters in the CPS sample said they voted (U.S. Census Bureau 2005). Turnout among the voting-age population was 58 percent in 2004, according to the aggregate data analysis. The difference is a result of several factors. One factor consists of the different denominators in calculating the turnout rate – registered voters versus the much larger voting-age population. Also, previous research has shown that, generally speaking, some survey respondents overstate their incidence of voting. Researchers speculate that over-reports may be due to the social desirability that accompanies saying one has done his or her civic duty, or a reluctance to appear outside the mainstream of American political culture (U.S. Census Bureau 1990). It is also possible that voting is an indication of a level of civic engagement that predisposes voters to agree to complete surveys at a higher rate than non-voters (Flanigan and Zingale 2002). Hence the voter turnout rates reported in the CPS tend to be much higher than the actual turnout rate for the nation (Flanigan and Zingale 2002). Even with this caveat, however, the CPS serves as a widely accepted source of data on voting behavior.

In addition, I eliminated from the sample respondents who said they were not U.S. citizens.

The dependent variable in these analyses is whether a respondent said he or she voted in the November 2004 election.⁶ In addition to the voter identification requirements, the models include two other state-level factors that might have influenced turnout in 2004: whether the state was considered a battleground state in the presidential election, and whether there was a competitive gubernatorial and/or U.S. Senate race in the state (see Alvarez and Ansolabehere 2002, Alvarez et al. 2004, and Kenny et al. 1993 for similar approaches). As in the aggregate analysis, the threshold that determined whether the state was a battleground state or had a competitive statewide race was a margin of victory of five percent or less. At the individual level, I controlled for gender, age in years, education, household income, and dummy variables representing whether a voter was Black/non-Hispanic, Hispanic, or another non-white race (with white/non-Hispanic voters as the omitted category for reference purposes). Drawing on previous research on voting behavior, I also controlled for whether an individual was employed, or at least a member of the workforce (as opposed to being a full-time student, a homemaker, or retired). Both employment and workforce membership have been shown to be positive predictors of turnout (see Mitchell and Wlezien 1995). Marital status, whether one is a native-born citizen and residential mobility also have emerged as significant predictors of turnout (Alvarez and

⁶ The U.S. Census Bureau reported, based on the November 2004 CPS, that 89 percent of those who identified themselves as registered voters said they voted in 2004 (U.S. Census Bureau 2005). Previous research has shown that, generally speaking, some survey respondents overstate their incidence of voting. Researchers speculate that over-reports may be due to the social desirability that accompanies saying one has done his or her civic duty, or a reluctance to appear outside the mainstream of American political culture (U.S. Census Bureau 1990). It is also possible that voting is an indication of civic engagement that predisposes voters to agree to complete surveys at a higher rate than non-voters (Flanigan and Zingale 2002). Hence the voter turnout rates reported in the CPS tend to be up to 10 percentage points higher than the actual turnout rate for the nation (Flanigan and Zingale 2002). Even with this caveat, however, the CPS serves as a widely accepted source of data on voting behavior.

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Ansolabehere 2002, Alvarez et al. 2004, Kenney et al. 1993, Wolfinger and Rosenstone 1980). I included in the model variables for whether a respondent was married (coded 1 if yes, 0 otherwise), and whether one was a native-born citizen (coded 1 if yes, 0 otherwise). I measured residential mobility by coding for whether the respondent had moved to a new address in the six months prior to the interview (coded 1 if yes, 0 otherwise).

Results

The dependent variable is whether a respondent said he or she voted in the November 2004 election (coded 1 for yes, 0 for no). I estimated models using probit analysis, and estimated robust standard errors to control for correlated error terms for observations from within the same state.

[Table 4 here]

The two models in Table 4 use either the maximum or minimum voter identification requirements in each state. The two models generate virtually identical results. ~~Voter identification requirements exert a statistically significant negative effect on whether survey respondents said they had voted in 2004.~~ Of the other state factors, only the competitiveness of the presidential race had a significant effect on turnout. In terms of demographic influences, African-American voters were more likely than white voters to say they had cast a ballot, while those of other non-white races were less likely than white voters to say they had turned out. Hispanic voters were not statistically different from white voters in terms of reported turnout. Consistent with previous research, age, education, income, and marital status all were positive predictors of voting. Women also were more likely to say they voted than men. Those who had moved within six months before the interview were less likely to say they had voted.

While the probit models provide statistical support for the influence of voter identification requirements and other variables on turnout, probit coefficients do not lend themselves to intuitive interpretation. Another common approach in studies of election requirements is to examine how the predicted probability of voter turnout would vary as election requirements vary. I used the probit coefficients to calculate the predicted probability of voting at each level of voter identification requirements while holding all other independent variables in the models at their means.⁷ I calculated the probabilities taking into account both maximum and minimum requirements, with photo identification serving as the most demanding of the maximum requirements and affidavits as the most demanding minimum requirement.

[Table 5 here]

Allowing the voter identification requirement to vary while holding constant all other variables in the model showed that the predicted probability of turnout ranged from 91.2 percent ~~0.912 if all voters had to state their names~~ ~~for stating one's name~~ to 88.7 percent ~~if all voters had to~~

⁷ In the case of dichotomous independent variables, holding them at their mean amounted to holding them at the percentage of the sample that was coded 1 for the variable (Long 1997).

provide for photo identification under the maximum requirements. In other words, the probability of voting dropped with each level of voter identification requirement, with a total drop of .025, or 2.5 percent, across the five types of identification. When taking into account the minimum requirement for identification, the probability showed a similar decline, with a slightly larger total drop of 3.3 percent.

Among the key variables of interest in the debate over voter identification requirements are race, age, income, and education. Given the large sample size (54,973 registered voters), it was possible to break the sample into sub-samples along those demographic lines to explore variation in predicted probability by group. I disaggregated the sample by the variable of interest (such as race, for example), omitting that variable while I re-ran the probit model with the remaining predictors of voter turnout, including the voter identification requirements.⁸ If the analysis showed that the voter identification requirements had a statistically significant effect on turnout, I used the probit coefficients from the model to calculate the predicted probability of voting for each group across the five requirements while holding the other variables in the model constant.

[Table 6 here]

Both the maximum and minimum identification requirements had negative and statistically significant effects for white voters. Allowing the requirements to vary from stating one's name to providing photo identification or an affidavit showed drops of 2.5 percent and 3.3 percent respectively in the predicted probability of voting. The identification requirements had no effect on the probability of African-Americans voting, but the minimum identification requirements had a comparatively sizable effect on voter turnout among Hispanics. The predicted probability of Hispanics voting ranged from 87 percent if stating one's name would be the required form of identification to 77.3 percent if a voter would have to provide an affidavit in order to vote, a difference of 9.7 percent.

The effects of voter identification requirements also varied by age, with the greatest variation occurring among voters ages 18 to 24.

[Table 7 here]

Voters in that age group had a predicted probability of 83.9 percent if when the maximum requirement would be to state one's name, and the probability drops 8.9 percentage points if voters would have to provide photo identification. The range was from 83.1 percent to 75.4 percent under the minimum requirements. The gap in probability narrowed in older age groups (4.8 percent for the maximum requirements and 5.8 percent for the minimum requirements for those ages 25 to 44; 1.8 percent for the minimum requirements for those ages 45 to 64, and 2.4 percent for the minimum requirements for those ages 65 and older).

Comment [02]: The turnout figures shown in the analysis of the aggregate data range of 57.3% turnout to 63.1% turnout. When using the individual data based on self-reports, the turnout figures approach 90%. I think a couple of sentences explaining the difference in the data between the two different analyses would be helpful here, even for readers comfortable with the statistical techniques used.

⁸ See Nagler 1991 for a similar approach in analyzing the effects of registration closing dates broken down by education levels.

Variation also emerged along the lines of income, with the effects of voter identification requirements varying to a greater extent for voters in households below the poverty line compared to those living above the poverty line.

[Table 8 here]

While the maximum set of requirements did not have a statistically significant effect for voters living below the poverty line, the minimum set of requirements had a significant and negative effect. The probability of voting was 78.4 for poor voters if they would have to identify themselves by giving their name, and the probability declined to 73.1 if they would have to provide an affidavit attesting to their identity. Both the maximum and minimum sets of requirements had a significant and negative effect on voters living above the poverty line, but the difference in probability across the effects was narrower (2.3 percent for the maximum requirements and 3.1 percent for the minimum requirements).

The effects of voter identification requirements varied across education levels as well, with those lowest in education demonstrating the widest variation in probabilities as identification requirements ranged from least to most demanding.

[Table 9 here]

Registered voters who had less than a high school education had a 77.5 percent probability of voting if the maximum requirement would be stating one's name, and a 70.8 percent probability if they would have to provide photo identification under the maximum requirement, a difference of 6.7 percent. The difference from the lowest to the highest requirement among the minimum requirements was 7.4 percent. The difference in probabilities ranged from 3.3 percent for the maximum requirements to 4.5 percent for the minimum requirements for voters with a high school diploma. The range of effects of voter identification requirements was smaller among those with higher levels of education (and non-existent for one category — voters with some college education).

Discussion and conclusion

The results presented here provide evidence that as the level of demand associated with voter identification requirements increases, voter turnout declines. This point emerged from both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall effect for all registered voters was fairly small, but even a slight decline in turnout has the potential to alter the outcome of a close election.

The effects of voter identification requirements were more pronounced for specific subgroups. Hispanic voters and the poor appeared to be less likely to vote if the level of required identification becomes more demanding, according to both the aggregate and the individual-level data. In the individual-level data, for Hispanic voters, the probability of voting dropped by 9.7 percent across the various levels of minimum identification requirements. Survey

⁹ I coded respondents as being above or below the U.S. Census Bureau's 2004 poverty line based on respondents' reported annual household income and size of the household.

respondents living in poor households would be 5.3 percent less likely to vote as the requirements varied from stating one's name to attesting to one's identity in an affidavit.

Effects of voter requirements also varied with education. Registered voters who had not graduated from high school would be 6.7 percent less likely to say they voted if the maximum requirement is photo identification as opposed to stating one's name as the maximum requirements ranged from stating one's name to providing photo identification. When considering the minimum requirements, those with less than a high school education would be 7.4 percent less likely to say they voted if the requirement was an affidavit as opposed to stating one's name. Age was also a key factor, with voters ages 18 to 24 being 7.7 percent to 8.9 percent less likely to vote as the requirements ranged from stating one's name to providing a photo identification or affidavit.

Two concerns aired by critics of voter identification requirements were not borne out by the results. African-American voters did not appear to be affected by voter identification requirements, according to both the aggregate data and individual-level data analyses. Also, the elderly, while they would be slightly less likely to vote as requirements ranged from least to most demanding, would not necessarily be affected in the dramatic manner predicted by some opposed to photo identification requirements in particular.

In examining the effects of voter identification requirements on turnout, there is still much to learn. The data examined in this project could not capture the dynamics of how identification requirements might lower turnout. If these requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements?¹⁰ Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day? The CPS data do not include measures that can answer these questions, pointing up the need for collection of additional data. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for poll workers, election judges to handle questions about, and potential disputes over, voter identification requirements.

¹⁰ The individual-level data offer some insight here. If advance knowledge of the voter identification requirements were to dampen turnout, it is reasonable to expect that advance knowledge of those requirements also could discourage some individuals from registering to vote. I ran the same probit models using voter registration as the dependent variable (coded 1 if the respondent said he or she was registered, and 0 if the respondent was not registered). Neither the maximum nor minimum array of voter identification requirements had a statistically significant effect on the probability that a survey respondent was registered to vote.

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Table 1 – Variation in 2004 State Turnout Based on Voter Identification Requirements

Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	63.1 %	State Name	61.3 %
Sign Name	58.6 %	Sign Name	60.4 %
Match Signature	62.1 %	Match Signature	59.2 %
Provide Non-Photo ID	57.8 %	Provide Non-Photo ID	57.6 %
Provide Photo ID	57.3 %	Swear Affidavit	58.7 %
Average Turnout for All States	59.6 %		

Table 2. Predictors of 2004 turnout at the county level taking into account maximum voter identification requirements

Variable	Basic Model		Model with Interactions	
	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard Error
Intercept	0.64	0.01	0.70	0.02
Voter ID requirements	-0.02**	0.004	-0.04**	0.005
Battleground State	0.04*	0.02	0.04*	0.02
Competitive Senate/Governor's Race	0.04*	0.02	0.04*	0.02
% Age 65 and Older	0.50**	0.03	0.51**	0.03
% African-American	0.02	0.01	0.04	0.04
% Hispanic	-0.17**	0.01	-0.38**	0.05
% Below poverty line	-0.01**	0.0002	-0.01**	0.001
VID * African-American	----	----	-0.004	0.01
VID * Hispanic	----	----	0.06**	0.01
VID * Poverty	----	----	0.001**	0.0002
-2 Log Likelihood	-8234.5		-8253.5	

Coefficients are restricted maximum likelihood estimates. N = 3,112. * p < .05 ** p < .01 (two-tailed tests)

Table 3. Predictors of 2004 turnout at the county level taking into account minimum voter identification requirements

Variable	Basic Model		Model with Interactions	
	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard Error
Intercept	0.62	0.01	0.66	0.02
Voter ID requirements	-0.008	0.005	-0.02**	0.006
Battleground State	0.04**	0.01	0.04*	0.02
Competitive Senate/Governor's Race	0.03	0.02	0.03	0.02
% Age 65 and Older	0.50**	0.03	0.49**	0.03
% African-American	0.02	0.01	0.02	0.03
% Hispanic	-0.17**	0.01	-0.37**	0.05
% Below poverty line	-0.01**	0.0003	-0.01**	0.001
VID * African-American	---	---	-0.004	0.01
VID * Hispanic	---	---	0.06**	0.01
VID * Poverty	---	---	0.001**	0.0002
-2 Log Likelihood	-8222.7		-8229.4	

Coefficients are restricted maximum likelihood estimates. N = 3,112. * p < .05 ** p < .01 (two-tailed tests)

	Maximum requirements		Minimum requirements	
Variable	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard error
Voter ID requirements	-0.04*	0.01	-0.05**	0.01
Hispanic	-0.06	0.05	-0.05	0.05
Black	0.22**	0.04	0.22**	0.04
Other race	-0.23**	0.04	-0.23**	0.04
Age in years	0.01**	0.001	0.01**	0.001
Education	0.12**	0.005	0.11**	0.005
Household income	0.03**	0.003	0.03**	0.003
Married	0.20**	0.02	0.20**	0.02
Female	0.09**	0.01	0.09**	0.01
Battleground state	0.18**	0.04	0.19**	0.04
Competitive race	0.05	0.05	0.05	0.05
Employed	0.05	0.04	0.05	0.04
Member of workforce	-0.04	0.05	-0.04	0.05
Native-born citizen	0.03	0.04	0.04	0.05
Moved within past 6 months	-0.27**	0.03	-0.27**	0.03
Constant	-4.48**	0.20	-4.46**	0.20
Pseudo-R-Squared	0.09		0.09	

Notes:

N = 54,973 registered voters

$p < .05^{**}$ $p < .01^{**}$ (two-tailed tests)

Models were estimated with robust standard errors to correct for correlated error terms within each state.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

Table 5. Predicted probability of voter turnout – full model		
	Maximum requirement	Minimum requirement
State name	0.912	0.911
Sign name	0.906	0.903
Match signature	0.900	0.895
Non-photo ID	0.894	0.887
Photo ID	0.887	----
Affidavit	----	0.878
Total difference from lowest to highest	0.025	0.033
N	54,973	
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>		

Table 6. Predicted probability of voter turnout – White and Hispanic voters			
	White voters		Hispanic voters
	Maximum requirement	Minimum requirement	Minimum requirement
State name	0.920	0.922	0.870
Sign name	0.915	0.915	0.849
Match signature	0.909	0.907	0.826
Non-photo ID	0.902	0.899	0.800
Photo ID	0.895	----	----
Affidavit	----	0.890	0.773
Total difference from lowest to highest	0.025	0.032	0.097
N	44,760		2,860
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for Hispanic voters. Maximum and minimum voter identification requirements were not a significant predictor for African-American voters.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>			

	18 - 24		25 - 44		45 - 64	65 and older
	Maximum requirements	Minimum requirements	Maximum requirements	Minimum requirements	Minimum requirements	Minimum requirements
State name	0.839	0.831	0.831	0.831	0.936	0.916
Sign name	0.819	0.814	0.820	0.817	0.932	0.910
Match signature	0.797	0.759	0.808	0.803	0.927	0.904
Non-photo ID	0.774	0.775	0.796	0.788	0.923	0.898
Photo ID	0.750	----	0.783	----	----	----
Affidavit	----	0.754	----	0.773	0.918	0.892
Total difference – lowest to highest	0.089	0.077	0.048	0.058	0.018	0.024
N	5,065		20,066		20,758	9,084
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for voters ages 45 to 64 and 65 and older.</p>						
<p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>						

Comment: Can you add something to this table to clarify the difference between the very high turnout figures derived from the CPS respondents self-reports and actual measures of turnout which tend to be in the 50% - 65% range.

Table 8. Predicted probability of voter turnout – Voters above and below the poverty line

	Voters above the poverty line		Voters below the poverty line
	Maximum requirement	Minimum requirement	Minimum requirement
State name	0.920	0.922	0.784
Sign name	0.915	0.915	0.772
Match signature	0.909	0.907	0.758
Non-photo ID	0.903	0.899	0.745
Photo ID	0.897	---	---
Affidavit	---	0.891	0.731
Total difference from lowest to highest	0.023	0.031	0.053
N	49,935		5,038

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for voters who were below the poverty line.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

Table 9. Predicted probability of voter turnout – By education

	Less than high school		High school		College		Graduate school	
	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement
State name	0.775	0.779	0.866	0.869	0.960	0.959	0.977	0.979
Sign name	0.759	0.762	0.858	0.859	0.956	0.954	0.973	0.973
Match signature	0.743	0.743	0.850	0.848	0.951	0.950	0.968	0.967
Non-photo ID	0.725	0.724	0.842	0.836	0.945	0.945	0.963	0.959
Photo ID	0.708	----	0.833	----	0.939	----	0.957	----
Affidavit	-----	0.705	----	0.824	----	0.940	-----	0.950
Total difference -- lowest to highest	0.067	0.074	0.033	0.045	0.021	0.019	0.020	0.029
N	4,903		16,361		11,017		5,739	

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum and minimum voter identification requirements were not a significant predictor of voting for those with some college education.
 Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.



Gracia Hillman /EAC/GOV

10/23/2006 09:13 PM

To "Paul DeGregorio" <pdegregorio@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC, "Donetta Davidson" <Ddavidson@eac.gov>
cc Juliet E. Thompson/EAC/GOV@EAC, "Jeannie Layson" <jlayson@eac.gov>

bcc

Subject The Fraud "Report"

I am recommending that we use Thursday's meeting, a public forum, to be on the record about this report.

My thought is that Tom should report the matter to us in his report. New Business?? Just stating the facts as they exist, including the nature of the study, how we have handled the numerous requests and inquiries that we have received, etc.

Please let me know what you think about this suggestion. Thanks.

Sent from my BlackBerry Wireless Handheld

008395



"Tom O'Neill"

07/26/2005 07:44 PM

To "Kristin Smith" <KSmith@caliber.com>,
jthompson@eac.gov
cc
bcc
Subject O'Neill Powerpoint for EAC

Kristin and Julie,

Attached is the Power Point I will use at Thursday's meeting. Thanks for you assistance in making arrangement to distribute and project the presentation.

Tom O'Neill

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

From: Kristin Smith [mailto:KSmith@caliber.com]

Sent: Tuesday, July 26, 2005 12:12 PM

To: [REDACTED]

Subject: Powerpoint for EAC

Mr. O'Neill,

When you have the final version of the powerpoint presentation you are giving, could you please email it also to cbarthle@caliber.com. We will like to distribute it to the Commissioners.

Thank you,

Kristin Smith



Briefing72805.ppt

008396

Briefing for

July 28, 2005

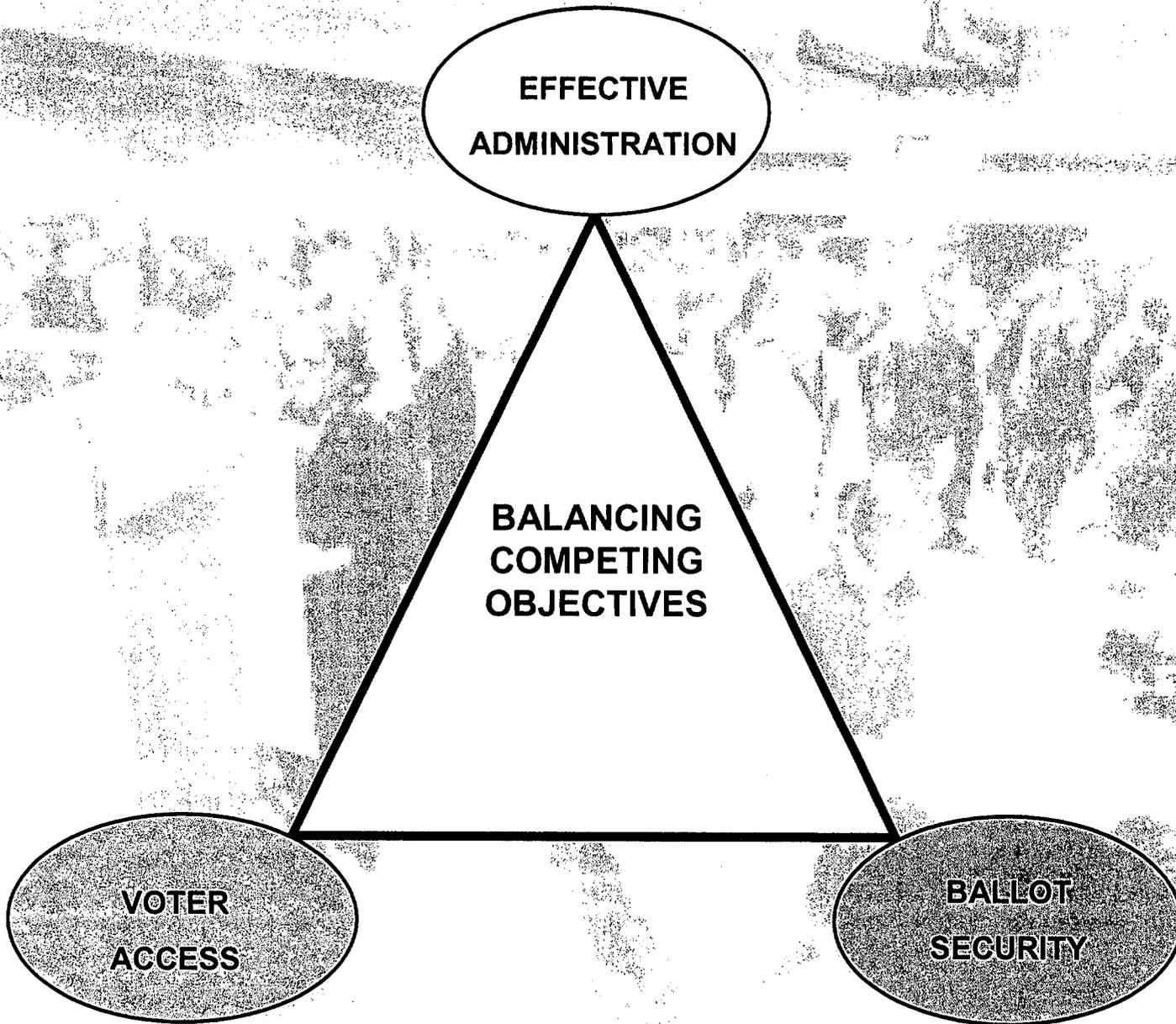
008397

Miss Phai Young

Clifton High School



008398



Key Questions

1. How did the states prepare for the onset of the HAVA provisional ballot requirement?

Review of statutes and regulations

State narratives

2. How did this vary between states that had previously had some form of provisional ballot and those that did not?

Survey of local election officials

State narratives

3. How did litigation affect implementation?

Survey of case law and regulations

State narratives

4. How effective was provisional voting in enfranchising qualified voters?

Survey of litigation

State narratives

Survey of local election officials

5. Did states and local processes provide for consistent counting of provisional ballots?

State narratives

Survey of litigation

Survey of local election officials

6. Did local election officials have a clear understanding of how to implement provisional voting?

Survey of local election officials

State narratives

OUTREACH

American Enterprise Institute

Brennan Center for Justice at NYU School of Law

Center for Digital Government

The Century Foundation

The Constitution Project

DEMOS-USA

The Election Center

Election Reform Information Project

Leadership Conference on Civil Rights

League of Women Voters

**National Association of Secretaries of State National Association
of State Election Directors**

People for the American Way

+ Other organizations after consultation with U.S.E.A.C.

PROVISIONAL VOTING

Key Research Deliverables

- 1. Summary of case law on Provisional Voting**
- 2. Compendium of states' legislation, regulations, and litigation.**
- 3. Analysis of how provisional voting was implemented around the country, which will be critiqued by Peer Review Group.**
- 4. Description of alternatives to existing practices and procedures**

VOTER IDENTIFICATION

Key Research Deliverables

- 1. Indexed database of major articles on Voter ID Requirements**
- 2. Summary of case law**
- 3. Compendium of states' legislation, procedures, and litigation.**
- 4. Analysis of voter participation and vote fraud under various Voter ID regimes to be reviewed by Peer Review Group.**
- 5. Alternative approaches**

Hearings on Guidance Documents

Consult with EAC to identify locations and venues

Hearings to take place 30 days after publication

Deliverables

Transcript

Summary and analysis of comments

Recommend revisions to GD based on hearing results and discuss with EAC

Deliver final Guidance Document to EAC

Project Status

PROVISIONAL VOTING

Task 3.4: Collect and analyze state legislation, administrative procedures, and court cases. Understand the disparities and similarities of how provisional voting was implemented around the country.

- Initial legal, regulatory, and case law research for 44 states, is complete. Completion for all states by August 1.
- Compiling narrative description of experience in each state. Completion in first week in August.
- Surveying 400 county election officials actual practice in administering provisional voting. Completion mid-August.

Project Status

VOTER IDENTIFICATION

Task 3.10: Legislation, regulations, and litigation

- Initial research complete (and statutes compiled) for 45 states. Questions answered include *"Who is required to present ID"*, *"Types of ID required"*, and *"Consequences of having no ID"*. Complete mid-September.
- Collecting information on the voter id debate in the states to monitor possible secondary effects of HAVA and to suggest alternative approaches. Complete first week of August.
- Statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters. Complete late August.

Briefing for

July 28, 2005



"Tom O'Neill"
[REDACTED]

07/26/2005 10:39 AM

To jthompson@eac.gov

cc

bcc

Subject Pasadena Meeting

History:

☞ This message has been replied to.

Julie: My plane arrives at LAX at about 5, and I should arrive in Pasadena after 7. I don't think we could meet until about 8 p.m. Does that fit your plans? I am staying at the Huntington, about a mile from the Cal Tech campus. You can always reach me by cell phone [REDACTED]

Dan and I have divided up our presentation this way: I will describe the overall research effort and the major questions to which we are seeking answers. I'll also outline the methods we are using to develop those answers and report on the current status of the work. Dan will describe in greater detail Moritz's research and compilation of the statutes, regulation and case law and describe some of the key matters of substance involved in developing our report.

The outline of my talk on Power Point is not yet complete, but the unfinished version is attached to give you a clearer impression of the presentation. I assume the meeting room will have a projector and screen. If that is not the case let me know and I'll print the Power Point slides and hand them out to the Commissioners.

Tom O'Neill

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

From: jthompson@eac.gov [mailto:jthompson@eac.gov]

Sent: Tuesday, July 26, 2005 8:51 AM

To: [REDACTED]

Subject: Progress Report

Tom,

I'm so sorry for taking so long to get back to you. I am hoping that you have moved forward with your update presentation. My general thoughts are very simple, just a presentation on the research that you have done thus far, the plans that you have made for additional research, but not to include any preliminary conclusions at this point.

Is there a possibility that I could get a copy of what you guys are thinking of presenting prior to the meeting? I am sure that the Commissioners will want it in advance to prepare questions for you and Dan.

008410

Also, you and I had planned to get together on Wednesday. What time are you arriving? I plan to go over to the university and view the room just after I arrive (around 1:00). Would you have some time around 3:30 or 4:00?

Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005



(202) 566-3100 Briefing72805.ppt



"Tom O'Neill"
[Redacted]
07/20/2005 02:45 PM

To jthompson@eac.gov
cc
bcc
Subject July 28 Meeting

History: This message has been replied to.

Julie:

I reached Dan Tokaji of Moritz, and he is happy to join me in making a presentation at the Pasadena meeting. As you develop further thoughts on what you would like us to cover, we'd be delighted to hear them.

Tom O'Neill



"Tom O'Neill"
[Redacted]
07/15/2005 10:01 AM

To jthompson@eac.gov
cc klyndyson@eac.gov
bcc

Subject July 28 hearing

History

✉ This message has been replied to.

Julie:

Can you fill me in on the current status of your planning for the hearing in Pasadena. Have invitations gone out to panelists? Are there tasks you would like us to undertake in preparation for the meeting?

Thanks,

Tom O'Neill

008413



"Tom O'Neill"

07/11/2005 11:53 AM

To jthompson@eac.gov

cc

bcc

Subject RE: Status of agenda recommendations

Julie: The great strength that Doug Chapin would bring (as opposed to a historian) is that he could put the presentations from Mississippi and Wisconsin in national perspective. The debate over voter id, as you know, is taking place across the country. The terms of the debate everywhere are strikingly similar: voter access versus ballot security. Chapin could provide the context that would make it possible for the commissioners to appreciate the presentations of the two legislators as examples of a broader, national debate

A historian, as opposed to Chapin would provide a different sort of context. The historian would describe as a step in the evolution of the franchise.

The panel would be stronger if the two legislators' stories were put in context. The 10 – 15 minutes spent on context, whether current or historical, would, I think, be well worth it.

Tom

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

From: jthompson@eac.gov [mailto:jthompson@eac.gov]

Sent: Monday, July 11, 2005 9:24 AM

To: [REDACTED]

Subject: Re: Status of agenda recommendations

Tom,

What are your thoughts about just having the legislators and not the historian. I am just thinking time-wise, we may be a bit tight. Do you think we can get the same sense of how these debates have come up and been resolved through the legislators?

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

008414

"Tom O'Neill" [REDACTED]

07/08/2005 02:52 PM

To: thompson@eac.gov

cc

Subject: Status of agenda recommendations

Julie:

I have made a little progress on the search for a scholar of the history of voter registration and voter ID to present the historical perspective in the opening panel at the July meeting. But none of the 3 suggestions below are obviously preferable to Doug Chapin.

Three possibilities are:

Dayna L. Cunningham, author of "*Who Are to Be the Electors? A Reflection on the History of Voter Registration in the United States*," 9 Yale L. & Pol'y Rev. 370 (1991). She was Assistant Counsel in the Voting Rights Project of the NAACP Legal Defense and Educational Fund at the time she wrote the article. She was active as a pro bono lawyer on election issues in Florida in 2004, and is now with Lord-Ross Philanthropic Advisors in Boston. dcunningham@lordross.org (914) 907-8895

R. Michael Alvarez, author of "Voter Registration," among other articles on registration issues. Currently at Caltech. <http://www.hss.caltech.edu/~rma/home.html>. He is a candidate for our Peer Review Group. My sense is that his experience and interests are more in current issues than in the history of the development of voter registration and voter ID.

Alexander Keyssar, author of "The Right to Vote: The Contested History of Democracy in the United States." Currently at the Kennedy School of Government, but on leave. http://ksgfaculty.harvard.edu/alexander_keyssar
Let me know if you'd like me to explore further or explore the issue with one or more of these possible presenters.

008415



"Tom O'Neill"

07/08/2005 02:52 PM

To jthompson@eac.gov

cc

bcc

Subject Re: Status of agenda recommendations

History

 This message has been replied to.

Julie:

I have made a little progress on the search for a scholar of the history of voter registration and voter ID to present the historical perspective in the opening panel at the July meeting. But none of the 3 suggestions below are obviously preferable to Doug Chapin.

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R. Michael Alvarez, author of "Voter Registration," among other articles on registration issues. Currently at Caltech. <http://www.hss.caltech.edu/~rma/home.html>. He is a candidate for our Peer Review Group. My sense is that his experience and interests are more in current issues than in the history of the development of voter registration and voter ID.

Alexander Keyssar, author of "The Right to Vote: The Contested History of Democracy in the United States." Currently at the Kennedy School of Government, but on leave.

http://ksgfaculty.harvard.edu/alexander_keyssar

Let me know if you'd like me to explore further or explore the issue with one or more of these possible presenters.

008416



"Tom O'Neill"
[Redacted]
07/06/2005 04:51 PM

To: jthompson@eac.gov
cc
bcc
Subject: Re: Status of agenda recommendations

History: This message has been replied to and forwarded.

Julie:

We agree with your conception of the hearing as including 3 panels.

Panel 1 on the History of Voter ID and Experiences Adopting Voter ID Requirements.

We are looking for a scholar in this area as an alternative to Doug Chapin to speak to the historical perspective. The other panelists should represent Mississippi and Wisconsin, a pro voter ID speaker from one state and an opponent from the other. The choices, more detail on them is contained in my earlier memo on this topic, are:

Mississippi: Rep William Denny (pro) or Rep. Walter Robinson (con)
Wisconsin: Sen. Joe Leibhan (pro) or Sen. Judith Robinson (con)

Panel 2 on Voter ID and HAVA.

Your suggestions ere (Andino of SC and Thompson of TN) look fine.

Panel 3 on Voter ID, Turnout and HACA

Minnite of Barnard and Samples of Cato.

On the subject of this hearing: in view of the change from Minneapolis to Pasadena, we would like to know if the commitment to the date and place is now certain enough that we should buy plane tickets. Affecting the travel decision will be the availability of a webcast of the event. Do you plan to offer that, as you did at the Columbus hearing?

Tom

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

From: jthompson@eac.gov

To: [Redacted]

Sent: Wednesday, July 06, 2005 4:00 PM

Subject: Status of agenda recommendations

tom,

We are looking at the question that you posed on provisional voting states. That should be completed soon.

How are we coming on the recommendations for the July 28 meeting? I will need to get the commissioners to approve and get the invitations issued as soon as possible.

Juliet E. Thompson

008417

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

008418



"Tom O'Neill"
[REDACTED]
07/01/2005 02:00 PM

To jthompson@eac.gov
cc
bcc
Subject Provisional Voting in the states

History  This message has been replied to and forwarded.

Julie: Nice to see you in New York yesterday. Here is the list of states categorized by whether provisional voting was new to them post HAVA or whether they had had some form or provisional ballot pre-HAVA. As we discussed, this list will be used in sampling and analyzing the survey of local election officials is that is about to begin. The EAC's review of the list would be helpful in ensuring that we have assigned states to the correct category.

Have a good 4th.

Tom

OLD PROVISIONAL VOTING STATES (27)

AK, AZ, AR, CA, DC, FL, IA, KS, MD, NM, NY, NC, OR, RI, SC,
VA, WA, WV, CO, NE, NJ, OH, AL, KY, MI, MS, TX

NEW PROVISIONAL VOTING STATES (17)

CT, DE, GA, HI, IL, IN, LA, MA, MO, MT, NV, OK, PA, SD, TN, UT, VT



"Tom O'Neill"
[REDACTED]
06/29/2005 11:14 AM

To jthompson@eac.gov
cc
bcc
Subject RE: July Meeting - California

Julie,

I'll study your suggested revisions to the panels with and discuss them with my colleagues.

The last I heard the date and place for the hearing was July 26 in Minneapolis? Is it now scheduled for July 28 in California?

Tom

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

From: jthompson@eac.gov [mailto:jthompson@eac.gov]

Sent: Wednesday, June 29, 2005 10:40 AM

To: [REDACTED]

Subject: July Meeting - California

I have reviewed the agenda that your group proposed with regard to the meeting on Voter ID. The attached are some suggestions on a few changes. We have had Chris Thomas and Secretary Cortes speak at recent meetings of EAC. So, I have included a few other ideas of states that have and those that do have ID requirements. Please take a look at this. Perhaps we can chat about it on Tuesday, July 5.

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

008420



"Tom O'Neill"
[REDACTED]

06/08/2005 05:10 PM

To jthompson@eac.gov

cc

bcc

Subject June 30 Panel

Julie:

I am leaving my computer now to drive to a dinner meeting. If you have questions, concerns, or comments about the recommendation please call me on my cell phone [REDACTED] I'll check e mail next around 11 p.m.

Tom

008421



"Tom O'Neill"

06/08/2005 04:44 PM

To jthompson@eac.gov

cc

bcc

Subject June 30 Panel --comment OSU

Julie:

I have now heard from Ned Foley at OSU. He makes a useful observation and suggestion.

Ned cautions that there just might be residual animosity between the two Mississippi legislators that would become apparent at the hearing. (I have not talked to any of the panelists recommended, but by Mississippi informant, a legislative staffer, said that the debate while emotional cleared the air and left everyone feeling better.)

Ned suggests that since Wisconsin Indiana, Arizona and New Mexico have experienced much the same debate, the panel could be structured to include a "pro" view from one state, say Mississippi, and the "con" view from another one of the other four. I can't offer you a specific legislator from one of those other states at this minute, but if you elect to take that approach, finding one should not be difficult.

Tom

008422



"Tom O'Neill"
[REDACTED]
06/08/2005 04:07 PM

To jthompson@eac.gov
cc
bcc
Subject RE: Mississippi Legislators

Julie:

Please regard the attached recommendation as an advance copy of our recommendation. It represents the conclusions the Eagleton team reached yesterday, but our colleagues at Moritz College of Law received it only today and have not yet commented. They usually have insightful comments, so I may be back to you with a revision.
Please let me know if the presentation is adequate for your needs and the commission's.

Tom

-----Original Message-----
From: jthompson@eac.gov [mailto:jthompson@eac.gov]
Sent: Wednesday, June 08, 2005 3:34 PM
To: [REDACTED]
Subject: RE: Mississippi Legislators

Just a gentle reminder that I need to get the names of the panelists to be able to present to the commissioners tomorrow morning.

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

"Tom O'Neill" [REDACTED]
06/06/2005 07:47 PM

To jthompson@eac.gov
cc
Subject RE: Mississippi Legislators

008423

Julie:

I should have a recommendation to you for the panels on Wednesday. Your recommendation of John Samples strikes me as very well chosen. He has opined on the topic of voter id and turnout for USA today --and he has a PhD from Rutgers.

Just to provide a preview of what I think our recommendation will be, I now envision two panels. The first would look at Voter ID requirements within the 4 corners of HAVA through presentations by election directors from two contrasting states (probably Michigan and Pennsylvania), perhaps supplemented by an analyst who can put the stories of these two states in a broader context.

The second panel would broaden the scope to include voter id issues that go beyond first-time mail registrants. This second panel would explore the debate between those who argue for tighter ID requirements to prevent fraud and those who caution that tighter requirements will depress turnout, especially among older voters, African Americans and immigrants. This panel could be composed of two Mississippi legislators (not the two we discussed a few days ago) and two analysts, possibly Samples and Lorraine Minnite, the Barnard political scientist who was the lead researcher on the Demos election fraud study (and who has a professional interest in immigrant voting patterns).

The Eagleton team is meeting on this, among other topics, tomorrow morning. I'll then consult with our Moritz colleagues and make a few phone calls to identify the best candidates from Mississippi and put together a recommendation for you.

Your reaction to this plan as it takes shape would be welcome.

Tom



JUNE 30 HEARING RECOMMENDATIONS.doc

008424



"Tom O'Neill"

06/06/2005 07:47 PM

To jthompson@eac.gov

cc

bcc

Subject RE: Mississippi Legislators

History

 This message has been replied to

Julie:

I should have a recommendation to you for the panels on Wednesday. Your recommendation of John Samples strikes me as very well chosen. He has opined on the topic of voter id and turnout for USA today --and he has a PhD from Rutgers.

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The Eagleton team is meeting on this, among other topics, tomorrow morning. I'll then consult with our Moritz colleagues and make a few phone calls to identify the best candidates from Mississippi and put together a recommendation for you.

Your reaction to this plan as it takes shape would be welcome.

Tom

008425



"Tom O'Neill"
[Redacted]
06/06/2005 11:58 AM

To jthompson@eac.gov
cc
bcc
Subject RE: Mississippi Legislators

History: This message has been replied to

Thank you, Julie.

Tom

-----Original Message-----
From: jthompson@eac.gov [mailto:jthompson@eac.gov]
Sent: Monday, June 06, 2005 11:16 AM
To: [Redacted]
Subject: RE: Mississippi Legislators

Some thoughts on a speaker (conservative) from the academic sector

Cameron Quinn - IFES - she was with the Commonwealth of Virginia as the State Board of Elections Director before going to IFES and has been appointed as an academic advisor to the Carter-Baker Commission

John Samples - Cato Institute - also an academic advisor to the Carter-Baker Commission

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

"Tom O'Neill" [Redacted]

06/03/2005 08:49 AM

To jthompson@eac.gov
cc
Subject RE: Mississippi Legislators

008426

Thanks, Julie.

Tom

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

From: jthompson@eac.gov [mailto:jthompson@eac.gov]

Sent: Friday, June 03, 2005 8:32 AM

To: [REDACTED]

Subject: Re: Mississippi Legislators

In light of information that Mr. Flemming may be an opponent to Senator Lott, it would not be wise for us to include Mr. Flemming on the panel. I am sure that there is another state rep or senator that would have the same opinion that would be able to be substituted.

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

008427



"Tom O'Neill"
[Redacted]
06/03/2005 08:49 AM

To jthompson@eac.gov
cc
bcc

Subject RE: Mississippi Legislators

History

 This message has been replied to

Thanks, Julie.

Tom

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

From: jthompson@eac.gov [mailto:jthompson@eac.gov]

Sent: Friday, June 03, 2005 8:32 AM

To: [Redacted]

Subject: Re: Mississippi Legislators

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

008428



"Tom O'Neill"
[Redacted]
06/02/2005 05:58 PM

To jthompson@eac.gov
cc
bcc
Subject Mississippi Legislators

History  This message has been replied to.

Julie:

I neglected to attach the promised article about the 2 Mississippi legislators. Here it is.

Tom



Voter ID exposes raw emotions in House.doc

Voter ID exposes raw emotions in House
Lawmakers represent two Mississippi
By: Emily Wagster Pettus, Associated Press 03/23/2004

JACKSON - Reps. Erik Fleming and Philip Gunn both live in Clinton and are close to the same age. Their state House districts twist and weave around one another in the metro Jackson suburbs.

But in some ways, the two state lawmakers represent two different Mississippi.

Fleming, 39, is a black Democrat. Gunn, 41, is a white Republican.

The day after an emotionally wrenching House debate over voter ID, Fleming and Gunn stayed at the Capitol to quietly discuss one of Mississippi's most racially divisive political issues: Should people be required to prove their identity at the polls?

Like many white legislators, Gunn supports voter identification. He says requiring a driver's license or other ID would prevent people from voting in others' names.

"It is not a racial issue for the younger members - the younger white members. There are legitimate problems with our process, and voter ID is one way to fix them," said Gunn, who was elected last year only after some precincts were revoted in a disputed Republican primary.

Like most black lawmakers, Fleming opposes voter ID. He points to Mississippi's history of racial strife designed to keep blacks from voting - from poll taxes to shootings.

"From the black perspective, it's all about inclusion. From the white perspective, it's all about fairness," Fleming said.

Last Thursday, a House debate on an affidavit-voting bill stretched more than three hours after Republican lawmakers offered voter ID amendments.

An amendment by Rep. Bill Denny, R-Jackson, would have required a voter to show anything from a driver's license to a pilot's license before casting an affidavit ballot. It was adopted 77-45, with solid opposition from blacks and a few whites and support from white Republicans and many white Democrats, including Speaker Billy McCoy.

That prompted speeches from more than three dozen of the 122 House members, for and against ID.

Several black lawmakers, including Rep. Tyrone Ellis, D-Starkville, told personal stories of being threatened for trying to exercise their constitutional rights.

"You get shot at, you get burned out, then someone puts this before you and you tell me

how you vote," Ellis said, his voice rising.

The Mississippi House is generally divided into three factions - white Republicans, black Democrats and rural white Democrats. During Thursday's debate, lawmakers say it became clear that the voter ID disagreement threatened the coalition of black and rural white Democrats that had brought McCoy into the speakership in January.

White Democrats who had voted for the ID amendment started going to the podium to urge defeat of the bill. Among them was Rep. Bo Eaton, D-Taylorsville.

"I feel it was an issue that was going to divide the House, when we don't even have a balanced budget yet," Eaton said the next day.

Rep. Steve Holland, D-Plantersville, was on the verge of tears as he said he was switching his vote - from supporting ID to opposing passage of the bill.

The bill was defeated 47-72.

On Friday morning after most of their colleagues had left for the weekend, Fleming and Gunn sat on the last row of the House chamber and chatted about ID. They wondered aloud how they could find a solution palatable not only to their constituents but to the diverse state as a whole.

Gunn wondered if the U.S. Justice Department - which oversees changes in Mississippi's voting system to ensure fairness to minorities - would accept a bill requiring ID for younger people but not for older ones who had lived through the turbulent civil rights era.

"We have to respect the feelings of the older members of the Black Caucus," Gunn said. "You can't ask them to forget what they went through. You can't ask them to ignore it."

Fleming said he was encouraged when a white lawmaker walked back to his desk during the debate and said: "I know where you're coming from."

Fleming said he's "very optimistic" that lawmakers eventually will find a solution to address concerns about voting integrity and inclusion. A voter ID bill has passed the Senate and awaits consideration in a House committee - but it's not clear whether that bill will make it to the full House.

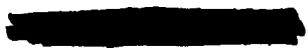
Gunn said last week's House debate gave members a chance to express their feelings without accusing each other of being stupid.

Fleming agreed and added: "I think this was a discussion or a come-to-Jesus meeting that was 40 years in the making."

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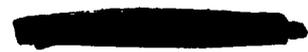
Erik Fleming (D)

601-366-9954 (o)



Philip Gunn ®

601-355-8321 (o)





"Tom O'Neill"
<[REDACTED]>
06/02/2005 05:30 PM

To jthompson@eac.gov
cc ireed@rutgers.edu, "Edward Foley" <foley.33@osu.edu>, klynndyson@eac.gov
bcc
Subject June 30 Hearing Panelists

Julie:

Thanks for your call. Our conversation helped me crystallize further the recommendations we will make to the Commission about the material to be covered at the hearing.

I believe we will recommend two panels of 3 or 4 people each for the June 30 hearing. One will cover the relatively narrow HAVA Voter ID requirements with presentations by 2 state-level voting administrators with contrasting experiences. The contrast between Michigan and Pennsylvania might prove especially instructive because it would demonstrate the relationship between the quality of the data base and requirements for voter identification. Since the hearing is being held in Manhattan, perhaps inviting a speaker from New York instead of Pennsylvania would make sense. I'd appreciate your thoughts on that.

Two other speakers could address the issue of broader Voter ID requirements to reduce vote fraud by requiring some form of identification for each voter at the polling place. The experience in Mississippi over the past 5 years has been particularly dramatic, as illustrated by the attached news article from the local press last year. As we discussed, inviting the 2 legislators profiled in the article might make for powerful testimony.

The final 2 speakers we believe should be academics who have studied the relationship between Voter ID regimes, voter participation and vote fraud and who have conflicting evidence and conclusions to offer. We have found at least two university based researchers who can present the view that stricter Voter ID requirements do not reduce vote fraud and do dampen participation. We have not yet identified a researcher from the other end of the spectrum, but we are looking actively. Your suggestions would be most welcome.

Below is our current list of possibilities for your review.

Tom

JUNE 30 HEARING
POSSIBLE PANELISTS OR TOPICS

Possible States to be represented by one or more panelists

Mississippi

Debate over voter id issues has been dramatic. The resonance of Mississippi on voting issues would lend

008433

interest to the testimony. Voter id legislation was not approved in the current legislative session and has been a source of contention at least since 1999.

Michigan

Strong database state; lax Voter ID requirements don't seem to present as much of a problem (although one hears rumors about Detroit); interesting contrast to NY. With Pennsylvania would present contrasts in the importance of the Statewide Voter Data Base

New York

Had a significant problem with provisional ballots, suggesting that their relatively lax ID rules might be problematic; also Tom Wilkey will have good contacts there. The hearing is there.

Pennsylvania

Relatively lax ID rules and apparently quite a few problems with provisional ballots in 2004. Had start up problems with its data base and would offer comparisons between counties where the data base was well established and those where is new. Should be weighed against New York for inclusion as a contrast with Michigan

Wisconsin

Governor Doyle vetoed the legislature's first attempt at tightening voter ID requirements, and instead offered a package to recruit and train more qualified poll workers and calls for improvements in voter registration procedures.

Academics on Voter ID, Turnout, and Vote Fraud

Spencer Overton

Professor, GWU Law School. Has written op-eds arguing that the empirical research is insufficient to support the need for more ID to reduce fraud. He is working on a book on the topic.

John Fortier

Research Fellow at the American Enterprise Institute. Recommended by Norm Ornstein. Google revealed no publications on this topic by Fortier.

Lorraine C. Minnite

Assistant Professor of Political Science, Barnard College. Lead researcher of the Demos election fraud study and researcher in immigrant voting patterns. Found that the incidence of fraud perpetrated by individual voters in the United States was very low and had a minimal impact on election outcomes.

Guy-Uriel Charles

Associate Professor of Law, Center for the Study of Political Psychology University of Minnesota. His areas of interest include Election Law and Election Law Disputes and African American Voting Concerns. He is a member of the National Research Commission on Elections and Voting of the Social Science Research Council



"Tom O'Neill"
[REDACTED]
06/02/2005 04:28 PM

To jthompson@eac.gov
cc
bcc
Subject RE: Arrangements for June 30 Meeting

Thanks, Julie. Having the physical arrangements for the conference already made by the Commission gives us a leg up. I hope we can talk today about content as well. Your knowledge of what's going on in the states and which analysts have the most to say would be very useful I'll call around 5 and hope to catch you.

Tom O'Neill
[REDACTED]

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

From: jthompson@eac.gov [mailto:jthompson@eac.gov]
Sent: Thursday, June 02, 2005 12:27 PM
To: [REDACTED]
Cc: klynndyson@eac.gov; cpaquette@eac.gov
Subject: Re: Arrangements for June 30 Meeting

Tom,

The following answers, I hope, your questions. I am happy to discuss this further.

1. Does the EAC have a preference for a venue for the meeting? Have any arrangements --preliminary or otherwise-- been made to secure that facility? If not, I assume EAC would prefer a public building or an academic setting such as the auditorium you used at the law school in Columbus.

EAC has a meeting location for this meeting and the hearing that will follow. The meeting and hearing will be held at the Marriot Marquis Hotel. I will have staff provide the address and room.

2. Has the EAC made arrangements for a transcriber to record the meeting of the Commissioners? If so, is it the EAC's intention that we will use the same transcriber for the panel? If not, should we arrange for a transcriber for the entire day? Are there federal rules on payments for transcription services that we should follow?

While EAC has not yet made arrangements for a transcriber, we will as we will need one for the meeting and the hearing.

3. Will EAC support staff attend the hearing to sign in those attending, issue name tags, etc., or are these duties that we should be prepared to carry out?

Yes, EAC will have staff available for this function.

4. Will the EAC issue the news release about the meeting and the panel?

008435

Yes.

5. What do federal regulation indicate that I may offer speakers we bring in from these states in terms of travel, accommodations, meals, etc? Will speakers have to pay for their travel and accommodations and then request reimbursement or can we pay their bills directly?

Federal travel regulations apply. However, once you have made recommendations on panelists and the Commission has approved those panelists, we will take care of their travel arrangements and accommodations.

Arizona, California, Mississippi, Michigan, New York, Pennsylvania, and Wisconsin.

I can imagine that the Commission will not want to use Arizona. There is a great deal of controversy around some proposed legislation that was introduced and passed by the Arizona legislature last year. EAC has not yet taken a position on that controversy, but may. Until such time as EAC has formalized its opinion on this, EAC will not want to invite a public debate on this issue.

I will call you later to discuss any questions or concerns. I am in a meeting from 1 - 3 (EDT)

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

"Tom O'Neill" [REDACTED] >

06/01/2005 10:47 PM

To jthompson@eac.gov
cc klynndyson@eac.gov
Subject Arrangements for June 30 Meeting

Julie,

008436

Karen Lynn-Dyson suggested I consult directly with you about arrangements for the Commission's June 30 meeting in New York. As I understood our discussions in Washington last week, as your consultants we will be responsible for organizing the portion of the meeting that will cover the Voter Identification issue, while EAC staff will organize the regular meeting of the Commissioners. Is that understanding correct?

Because time is short, we know we must move quickly on the arrangements.

1. Does the EAC have a preference for a venue for the meeting? Have any arrangements --preliminary or otherwise-- been made to secure that facility? If not, I assume EAC would prefer a public building or an academic setting such as the auditorium you used at the law school in Columbus.

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3. Will EAC support staff attend the hearing to sign in those attending, issue name tags, etc., or are these duties that we should be prepared to carry out?

4. Will the EAC issue the news release about the meeting and the panel?

5. What do federal regulation indicate that I may offer speakers we bring in from these states in terms of travel, accommodations, meals, etc? Will speakers have to pay for their travel and accommodations and then request reimbursement or can we pay their bills directly?

These are the states we are currently evaluating for the Voter ID presentations: Arizona, California, Mississippi, Michigan, New York, Pennsylvania, and Wisconsin. We may pick 4 of these, or fewer if we determine that one state should have two panelists representing different viewpoints: Karen tells me you have been working with several of these, and your counsel would sharpen the judgment we bring to bear on our selection. I am particularly interested in the Mississippi experience and would like to discuss that with you. . .perhaps by phone. The project team is aiming to agree on a panel of speakers to submit to the the EAC early next week. Panelists should receive their invitations at least two weeks in advance (more would be better), especially if we want to get onto their schedules.

I will be in a meeting tomorrow from 10:30 -- 1:00 p.m. but will be available the rest of the day for a phone conversation. My cell phone --on which you can

always reach me-- is [REDACTED]

Tom O'Neill



"Tom O'Neill"

06/01/2005 10:47 PM

To jthompson@eac.gov

cc klynndyson@eac.gov

bcc

Subject Arrangements for June 30 Meeting

History

This message has been replied to

Julie,

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008439

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I will be in a meeting tomorrow from 10:30 -- 1:00 p.m. but will be available the rest of the day for a phone conversation. My cell phone --on which you can always reach me-- is [REDACTED]

Tom O'Neill

Juliet E. Thompson/EAC/GOV
07/26/2005 12:49 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc
bcc
Subject Re: Pasadena Meeting [REDACTED]

that sounds fine. I do have a dinner engagement that will be earlier that evening. How about calling me when you get in? I can always sit and have a drink while you eat, or whatever works.

Also, thank you for the powerpoint. If you will send me the final via email, I will make sure that it is loaded onto the laptop and ready for your presentation.

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

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
07/26/2005 10:39 AM

To jthompson@eac.gov
cc
Subject Pasadena Meeting

Julie: My plane arrives at LAX at about 5, and I should arrive in Pasadena after 7. I don't think we could meet until about 8 p.m. Does that fit your plans? I am staying at the Huntington, about a mile from the Cal Tech campus. You can always reach me by cell phone at 908-794-1030.

Dan and I have divided up our presentation this way: I will describe the overall research effort and the major questions to which we are seeking answers. I'll also outline the methods we are using to develop those answers and report on the current status of the work. Dan will describe in greater detail Moritz's research and compilation of the statutes, regulation and case law and describe some of the key matters of substance involved in developing our report.

The outline of my talk on Power Point is not yet complete, but the unfinished version is attached to give you a clearer impression of the presentation. I assume the meeting room will have a projector and screen. If that is not the case let me know and I'll print the Power Point slides and hand them out to the Commissioners.

Tom O'Neill

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

008441

From: jthompson@eac.gov [mailto:jthompson@eac.gov]
Sent: Tuesday, July 26, 2005 8:51 AM
To: [REDACTED]
Subject: Progress Report

Tom,

I'm so sorry for taking so long to get back to you. I am hoping that you have moved forward with your update presentation. My general thoughts are very simple, just a presentation on the research that you have done thus far, the plans that you have made for additional research, but not to include any preliminary conclusions at this point.

Is there a possibility that I could get a copy of what you guys are thinking of presenting prior to the meeting? I am sure that the Commissioners will want it in advance to prepare questions for you and Dan.

Also, you and I had planned to get together on Wednesday. What time are you arriving? I plan to go over to the university and view the room just after I arrive (around 1:00). Would you have some time around 3:30 or 4:00?

Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005



(202) 566-3100 Briefirfg72805.ppt

008442

Juliet E. Thompson/EAC/GOV
07/20/2005 02:54 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc
bcc
Subject Re: July 28 Meeting [REDACTED]

As soon as I have a few minutes to think clearly, I will definitely send you an email on that. Thanks for accommodating our request.

Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
07/20/2005 02:45 PM

To jthompson@eac.gov
cc
Subject July 28 Meeting

Julie:

I reached Dan Tokaji of Moritz, and he is happy to join me in making a presentation at the Pasadena meeting. As you develop further thoughts on what you would like us to cover, we'd be delighted to hear them.

Tom O'Neill

008443

Juliet E. Thompson/EAC/GOV
07/15/2005 11:24 AM

To "Tom O'neill" [REDACTED]@GSAEXTERNAL
cc
bcc
Subject Re: July 28 hearing 

After much wrangling, the final agenda is attached. We have invited the speakers, but have not heard back from most. We will follow up on Monday.

All of the arrangements have been made. CalTech is letting us use the Baxter Lecture Hall in the Baxter Humanities building. We are still working on webcasting. CalTech cannot or will not host it on their site, but we are trying to get it done through another source.

We have a block of rooms at the Westin. We will likely have some extras if you would like to use them. I will confirm this in the next few days.



draft agenda - July public meeting v 3.doc

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

"Tom O'neill" [REDACTED]



"Tom O'neill"
[REDACTED]
07/15/2005 10:01 AM

To jthompson@eac.gov
cc klynndyson@eac.gov
Subject July 28 hearing

Julie:

Can you fill me in on the current status of your planning for the hearing in Pasadena. Have invitations gone out to panelists? Are there tasks you would like us to undertake in preparation for the meeting?

Thanks,

Tom O'Neill

008444



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

Thursday, July 28, 2005
10:00 AM – 12:00 PM

Call to Order (Chair Hillman)

Pledge of Allegiance (Chair Hillman)

Roll Call

Adoption of Agenda (Chair Hillman)

**Correction & Approval of Minutes for June 30, 2005 Public Meeting
(Chair Hillman)**

Reports

- Title II Requirements Payments Update
- Statewide Voter Registration List Guidance

Presentations

The Interaction of Voter Identification with HAVA

- Marci Andino, Executive Director, State Election Commission, South Carolina – Interaction between Voter ID and Voter Registration Databases
- Brook Thompson, Coordinator of Elections (Tennessee) -- Interaction between voter ID and provisional voting (TN had voter ID prior to HAVA but no provisional voting prior to HAVA)

Voter ID under HAVA: Was it sufficient?

- Senator Lawson C. Heinold (R, Indiana – Author of Indiana's Voter ID law)
- Senator Judith Robson (D, Wisconsin – Opposed bill to create voter ID requirement in Wisconsin)
- Lorraine C. Minnite, Assistant Professor, Columbia University
- John Samples, Director, Center for Representative Government, The Cato Institute

Commissioners' Closing Remarks

Adjournment

Juliet E. Thompson/EAC/GOV
07/11/2005 11:58 AM

To "Tom O'Neill" [REDACTED]
cc
bcc
Subject Re: Status of agenda recommendations

O.k. I will look at the historians. I am leaning away from Doug Chapin. I am trying to finalize this list for final approval by the Commissioners this afternoon. Will be back in touch later today.

Sent from my BlackBerry Wireless Handheld

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

From: "Tom O'Neill" [REDACTED]
Sent: 07/11/2005 11:53 AM
To: Juliet Thompson
Subject: RE: Status of agenda recommendations

Julie: The great strength that Doug Chapin would bring (as opposed to a historian) is that he could put the presentations from Mississippi and Wisconsin in national perspective. The debate over voter id, as you know, is taking place across the country. The terms of the debate everywhere are strikingly similar: voter access versus ballot security. Chapin could provide the context that would make it possible for the commissioners to appreciate the presentations of the two legislators as examples of a broader, national debate

A historian, as opposed to Chapin would provide a different sort of context. The historian would describe as a step in the evolution of the franchise.

The panel would be stronger if the two legislators' stories were put in context. The 10 – 15 minutes spent on context, whether current or historical, would, I think, be well worth it.

Tom

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

From: jthompson@eac.gov [mailto:jthompson@eac.gov]
Sent: Monday, July 11, 2005 9:24 AM
To: [REDACTED]
Subject: Re: Status of agenda recommendations

008446

Tom,

What are your thoughts about just having the legislators and not the historian. I am just thinking time-wise, we may be a bit tight. Do you think we can get the same sense of how these debates have come up and been resolved through the legislators?

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

"Tom O'Neill" 

07/08/2005 02:52 PM

To:jthompson@eac.gov

cc

SubjectRe: Status of agenda recommendations

Julie:

I have made a little progress on the search for a scholar of the history of voter registration and voter ID to present the historical perspective in the opening panel at the July meeting. But none of the 3 suggestions below are obviously preferable to Doug Chapin.

Three possibilities are:

Dayna L. Cunningham, author of "*Who Are to Be the Electors? A Reflection on the History of Voter Registration in the United States*," 9 Yale L. & Pol'y Rev. 370 (1991). She was Assistant Counsel in the Voting Rights Project of the NAACP Legal Defense

008447

and Educational Fund at the time she wrote the article. She was active as a pro bono lawyer on election issues in Florida in 2004, and is now with Lord-Ross Philanthropic Advisors in Boston. dcuningham@lordross.org (914) 907-8895

R. Michael Alvarez, author of "Voter Registration," among other articles on registration issues. Currently at Caltech. <http://www.hss.caltech.edu/~rma/home.html>. He is a candidate for our Peer Review Group. My sense is that his experience and interests are more in current issues than in the history of the development of voter registration and voter ID.

Alexander Keyssar, author of "The Right to Vote: The Contested History of Democracy in the United States." Currently at the Kennedy School of Government, but on leave. http://ksgfaculty.harvard.edu/alexander_keyssar
Let me know if you'd like me to explore further or explore the issue with one or more of these possible presenters.