

Juliet E. Thompson/EAC/GOV
07/11/2005 09:24 AM

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

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" [REDACTED]>



"Tom O'Neill"
[REDACTED]
07/08/2005 02:52 PM

To jthompson@eac.gov
cc
Subject Re: 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

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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.

Juliet E. Thompson/EAC/GOV
06/29/2005 11:18 AM

To "Tom O'Neil" <[REDACTED]>
cc
bcc
Subject Re: July Meeting - California

Yes. Long story short we could not work into the schedule that was already set for the NASS meeting in Minneapolis. We will be at CalTech -- Pasadena, CA

Sent from my BlackBerry Wireless Handheld

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

From: "Tom O'Neill" ([REDACTED])
Sent: 06/29/2005 11:14 AM
To: Juliet Thompson
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.

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008451

Juliet E. Thompson/EAC/GOV
06/08/2005 03:34 PM

To "Tom O'Neill" <[REDACTED]>@GSAEXTERNAL
cc
bcc
Subject RE: Mississippi Legislators [icon]

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
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"Tom O'Neill" <[REDACTED]>



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

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

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

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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

Juliet E. Thompson/EAC/GOV
06/06/2005 05:37 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc
bcc
Subject RE: Mississippi Legislators [REDACTED]

Are we ready to submit this proposal to the commissioners, or am I waiting on something from you? If I am waiting, will I be able to have it for Thursday morning?

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

"Tom O'Neill" [REDACTED] <>



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

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

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
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1225 New York Ave., NW, Ste 1100
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(202) 566-3100

008454

"Tom O'Neill" [REDACTED]

06/03/2005 08:49 AM

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

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
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(202) 566-3100

008455

Juliet E. Thompson/EAC/GOV
06/06/2005 11:16 AM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc
bcc
Subject RE: Mississippi Legislators [REDACTED]

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

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Washington, DC 20005
(202) 566-3100
"Tom O'Neill" [REDACTED]



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

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

Thanks, Julie.

Tom

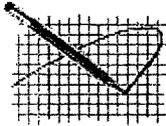
-----Original Message-----

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To: [REDACTED]
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Juliet E. Thompson
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008456



Juliet E. Thompson/EAC/GOV
06/03/2005 08:31 AM

To "Tom O'Neill" <[REDACTED]@GSAEXTERNAL>
cc
bcc
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.

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008457

Juliet E. Thompson/EAC/GOV
06/02/2005 12:27 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc Karen Lynn-Dyson/EAC/GOV@EAC, Carol A.
Paquette/EAC/GOV@EAC
bcc
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?

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

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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)

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Washington, DC 20005
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"Tom O'Neill" [REDACTED]



"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,

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.

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?

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

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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 908-794-1030.

Tom O'Neill

Thomas R. Wilkey/EAC/GOV
09/15/2006 10:46 AM

To Juliet E. Hodgkins/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC

cc

bcc

Subject Re: Call to discuss release of Rutgers Voter ID report 

1:30 is fine with me as I have a 2:15
Doctors appt. So it will be tight.
I will be done by 3 if that is better.

Sent from my BlackBerry Wireless Handheld

Juliet E. Hodgkins

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

From: Juliet E. Hodgkins
Sent: 09/15/2006 10:33 AM
To: Karen Lynn-Dyson; Thomas Wilkey
Subject: Re: Call to discuss release of Rutgers Voter ID report

Fine by me

Sent from my BlackBerry Wireless Handheld

Karen Lynn-Dyson

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

From: Karen Lynn-Dyson
Sent: 09/15/2006 10:34 AM
To: Juliet Hodgkins
Cc: Thomas Wilkey; Bert Benavides
Subject: Re: Call to discuss release of Rutgers Voter ID report

Julie-

I haven't heard from Tom on his availability-

All-

Can we do a call at 1:30?

K

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

008461

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

Thomas R. Wilkey/EAC/GOV
05/01/2006 04:08 PM

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

Ok

Sent from my BlackBerry Wireless Handheld
Juliet E. Thompson-Hodgkins

From: Juliet E. Thompson-Hodgkins
Sent: 05/01/2006 03:56 PM
To: Karen Lynn-Dyson
Cc: Thomas Wilkey
Subject: Re: E-mail to Voter ID peer reviewers

As long as we don't pay them, there is no contract issue.

Juliet Thompson Hodgkins
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(202) 566-3100

008463

Juliet E. Hodgkins/EAC/GOV
01/10/2007 12:03 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL
cc
bcc
Subject RE: 

Based on your answer, I assume then that you are not asking us for any documents. Please confirm that this is correct.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
"Tova Wang" <wang@tcf.org>



"Tova Wang"
<wang@tcf.org>
01/10/2007 12:00 PM

To jhodgkins@eac.gov
cc twilkey@eac.gov, "Tova Wang" <wang@tcf.org>
Subject RE:

Thanks Julie. Actually, I ended up doing all of the Nexis research myself on The Century Foundation's account. Using one of your interns to do it never worked out, as Job can also tell you. I assume that takes care of that issue. Thanks again. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005
(202) 741-6263

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

From: jhodgkins@eac.gov [mailto:jhodgkins@eac.gov]
Sent: Wednesday, January 10, 2007 11:50 AM
To: wang@tcf.org
Cc: twilkey@eac.gov; 'Tova Wang'
Subject: Re:

Tova,

I see no reason why we cannot allow you to have the research for your use. The one caveat to that is that this research was obtained on our Westlaw/Nexis accounts. Therefore, we would have to have an

008464

agreement from you that you would not reproduce or distribute those copyrighted materials. I will have one of my law clerks work on getting the information burned to a CD and drafting an agreement concerning the use of these documents.

I will be in touch with you next week to let you know when we will have these documents and agreement available.

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

"Tova Wang" <wang@tcf.org>

01/08/2007 09:24 AM

To twilkey@eac.gov, jhodgkins@eac.gov

cc "Tova Wang" <wang@tcf.org>

Subject

Dear Tom and Julie,

Happy New Year. I hope you both enjoyed the holidays.

As you know, I am well aware that the research Job and I produced belongs to the EAC. Nonetheless, I was wondering whether there might be some way I can use just the Nexis material solely for my own further research purposes. Anything I might publish using that underlying data as enhanced by my further research would be in my name and my name only, not that of the EAC. I put a tremendous amount of work into collecting and organizing that data and I would like the opportunity to continue this research on an ongoing basis. It would be a shame if it was not put to some further use.

Is there something we might arrange in this regard? Thanks so much.

Tova Andrea Wang, Democracy Fellow
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Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

008465

Juliet E. Hodgkins/EAC/GOV
01/10/2007 11:49 AM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL
cc twilkey@eac.gov, "Tova Wang" <wang@tcf.org>
bcc
Subject Re: 

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(202) 566-3100
"Tova Wang" <wang@tcf.org>



"Tova Wang"
<wang@tcf.org>
01/08/2007 09:24 AM

To twilkey@eac.gov, jhodgkins@eac.gov
cc "Tova Wang" <wang@tcf.org>
Subject

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Is there something we might arrange in this regard? Thanks so much.

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

008466

and events.

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

To jthompson@eac.gov, twilkey@eac.gov, psims@eac.gov,
ddavidson@eac.gov

cc

bcc

Subject Voter ID, Fraud & Intimidation--Need your input

Hello all,

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

Ms. Cocco,

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

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

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

Jeannie Layson
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Phone: 202-566-3100
www.eac.gov

008468

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

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

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

Jeannie Layson
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Phone: 202-566-3100
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Margaret Sims/EAC/GOV

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

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

Are there any plans to rebut the PFAW response? If so, may I help? — Peggy

008469

Jeannie Layson /EAC/GOV
10/18/2006 11:09 AM

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

bcc

Subject Media inquiry RE: fraud research

Hello everyone,

Brian Friel of the National Journal has posed the following questions regarding the fraud report. Since we know this is something everyone on the Hill will definitely read, I want to make sure everyone agrees with these responses. I need to get this info to him by noon tomorrow.

Tom -- do you want me to run this language by the commissioners?

1. Are there any plans to release voter fraud report since several groups have called for its release; or if there is some procedure that would be necessary for EAC to determine that it should be released? The status report created by EAC staff was presented to EAC's Board of Advisors and Standards Board to provide an update on the research project. This meeting was open to the public. As a small agency of only 23 employees, including four commissioners, it is necessary for EAC to contract with third parties and experts to conduct research. The information provided by third parties is used by staff to develop EAC final policy or reports. No documents, drafts, or recommendations presented to EAC by third parties constitute official EAC policy. Currently, EAC staff is reviewing the data presented regarding voter fraud and intimidation and will produce a final report in the near future.

Is the fourth position still vacant and does this impact the decision for release of the report. There is a vacancy on the commission, but the vacancy has not impacted the timeline for releasing the fraud report.

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008470

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

To: Jeannie Layson/EAC/GOV@EAC
cc: ddavidson@eac.gov, jthompson@eac.gov, twilkey@eac.gov
bcc:
Subject: Re: Voter ID, Fraud & Intimidation--Need your input

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

Jeannie Layson /EAC/GOV

03/13/2007 02:25 PM

To: jthompson@eac.gov, twilkey@eac.gov, psims@eac.gov, ddavidson@eac.gov
cc:
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Per your questions, go [here](#) to view the testimony regarding voter ID from our Feb. 2 public meeting. As I mentioned, at this meeting EAC Chair Donetta Davidson requested that staff review the initial research provided by Eagleton and produce a final report, which would include recommendations for further study on this subject. Currently, staff is working to finalize the voter ID report.

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

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

Jeannie Layson

008471

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

008472

Margaret Sims /EAC/GOV
12/06/2006 01:20 PM

To Bryan Whitener/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC
bcc
Subject Re: Please review ASAP - Fw: Fraud Report Press Release -
DRAFT

This looks OK to me, although I still wonder why EAC is listed as implementing election administration improvements (in the next to last paragraph). Shouldn't we say something to the effect that we provide information and advice on the implementation of election administration improvements? --- Peggy

Bryan Whitener/EAC/GOV

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

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

Then I need to get commishes to okay.

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



"RoseUtley, Jennifer"

12/05/2006 06:49 PM

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

Brian,

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

Jennifer

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

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

We've Moved!

008473

Please visit us at our new location:

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



Fraud Press Release - DRAFT v2.doc

008474

DRAFT

FOR IMMEDIATE RELEASE

CONTACT: Jeannie Layson
(202) 566-3100

EAC Releases Findings of Voting Fraud and Voter Intimidation Study
No consensus on the regularity of voting fraud and voting intimidation found
Agency accepts recommendations to conduct a comprehensive study on elections crimes

WASHINGTON, D.C. (December 5, 2006) – The United States Election Assistance Commission (EAC) today voted on the findings of the “Voting Fraud and Voter Intimidation Study” and accepted recommendations to conduct a comprehensive assessment of all claims, charges and prosecutions of voting crimes.

The study, which was largely based on anecdotal information was reviewed and analyzed by two independent research consultants, represents the first phase of the information gathering process. The second phase, which the EAC voted to proceed with, is a more comprehensive data-driven survey and study of elections crimes and voter intimidation and will also offer consistency to the study and the public dialogue of the issue identifying a common definition of the issue for the use of elections officials, civil rights and voter advocacy groups, law enforcement officials and attorneys.

The recommendations accepted by EAC today include:

- ***Survey Chief Elections Officers to Review and Assess Administrative Complaints:*** EAC will survey the states’ chief election officers regarding complaints that have been filed, investigated and resolved since January 1, 2004.
- ***Survey State Election Crime Investigation Units Regarding Complaints Filed and Referred:*** EAC will gather information on the numbers and types of complaints that have been received by, investigated, and ultimately referred to local or state law enforcement by election crime investigation units since January 1, 2004.
- ***Survey Law Enforcement and Prosecutorial Agencies Regarding Complaints and Charge of Voting Crimes:*** EAC will survey law enforcement and prosecutorial agencies at the local, state and federal level to determine the number and types of complaints, charges, or indictments, and pleas or convictions of election crimes since January 1, 2004.
- ***Analyze Survey Data in Light of State Laws and Procedures:*** EAC will use the reliable data gathered from each survey group to analyze the effectiveness of fraud prevention and reporting measures.

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

Following today’s vote to approve the survey recommendations, EAC will work to complete a comprehensive survey and subsequent study on voting fraud and voter intimidation based on hard data by the end of 2007. Additionally, by mid-2008, EAC will develop a set of voluntary best

008475

DRAFT

practices for state election officials and prosecuting authorities to use in assessing legitimate claims and bringing them to justice.

Section 241 of the Help America Vote Act of 2002 (HAVA) mandates that EAC research and study various issues related to the administration of elections. During Fiscal Year 2006, EAC in consultation with the Standards Board and Board of Advisors selected voting fraud and voter intimidation from a list of potential research topics that serve to improve the administration of elections for federal office.

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

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

###

Margaret Sims/EAC/GOV
10/19/2006 01:55 PM

To Jeannie Layson/EAC/GOV@EAC
cc bwhitener@eac.gov, ggilmour@eac.gov,
jthompson@eac.gov, twilkey@eac.gov
bcc
Subject Re: Media inquiry RE: fraud research 

I don't know that we can say that EAC will produce a report on the subject in the near future. We will have the consultants' report to EAC, which I don't believe constitutes an EAC report/statement. The consultants' report never was intended to be the definitive study of voting fraud/voter intimidation that the news media and others seem to be seeking. One of the primary goals of the report was to provide recommendations for future EAC action/direction of study. In order to do this, the consultants did some preliminary research to get an idea of what problems were occurring. I don't know how soon EAC will decide which recommendations, if any, to pursue. --- Peggy

Jeannie Layson/EAC/GOV

10/18/2006 11:09 AM

To twilkey@eac.gov, jthompson@eac.gov, psims@eac.gov, ggilmour@eac.gov
cc bwhitener@eac.gov
Subject Media inquiry RE: fraud research

Hello everyone,

Brian Friel of the National Journal has posed the following questions regarding the fraud report. Since we know this is something everyone on the Hill will definitely read, I want to make sure everyone agrees with these responses. I need to get this info to him by noon tomorrow.

Tom -- do you want me to run this language by the commissioners?

1. Are there any plans to release voter fraud report since several groups have called for its release; or if there is some procedure that would be necessary for EAC to determine that it should be released? The status report created by EAC staff was presented to EAC's Board of Advisors and Standards Board to provide an update on the research project. This meeting was open to the public. As a small agency of only 23 employees, including four commissioners, it is necessary for EAC to contract with third parties and experts to conduct research. The information provided by third parties is used by staff to develop EAC final policy or reports. No documents, drafts, or recommendations presented to EAC by third parties constitute official EAC policy. Currently, EAC staff is reviewing the data presented regarding voter fraud and intimidation and will produce a final report in the near future.

Is the fourth position still vacant and does this impact the decision for release of the report. There is a vacancy on the commission, but the vacancy has not impacted the timeline for releasing the fraud report.

008477

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

Thomas R. Wilkey/EAC/GOV
10/04/2006 01:50 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC
bcc
Subject Eagleton Response

Karen;

Could you please put a list of items we have released and what has not been released on the two Eagleton Reports.

I would like to get back to John on this on want us ALL to be on the same page.

Thanks

Tom

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

008479

Thomas R. Wilkey/EAC/GOV
08/16/2006 12:29 PM

To Juliet E. Thompson-Hodgkins/EAC/GOV@EAC
cc
bcc
Subject Fw: Eagleton/Moritz Study Release

I thought this stuff was our property?

Sent from my BlackBerry Wireless Handheld

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

From: "John Weingart" [john.weingart@rutgers.edu]
Sent: 08/16/2006 12:21 PM
To: Thomas Wilkey
Cc: Karen Lynn-Dyson
Subject: Eagleton/Moritz Study Release

Tom - I have just faxed the attached letter to you but thought you might also like an emailed version. I look forward to discussing it with you soon.

Thanks, John

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



Wilkey081606final.doc

008490

August 16, 2006

Thomas R. Wilkey, Executive Director
United States Election Assistance Commission
1225 New York Avenue N.W., Suite – 1100
Washington, DC 20005
Fax: (202) 566-3127

Dear Mr. Wilkey:

I want to follow up with you about the reports the Eagleton Institute of Politics and Moritz College of Law have submitted on Provisional Voting and Voter Identification. As you know, your office has accepted them as the final work products required under our contract with the EAC.

With the new academic year about to begin, we want now to make the two reports available for use by researchers, legislators, election officials, and others interested in these topics. We have already received requests for them from other researchers who are interested in reviewing our findings for their own work. Also, at both Eagleton and the Moritz College of Law, we intend to draw on this research for teaching, scholarship and possibly public seminars. That the EAC originally commissioned these studies to offer lessons for the 2006 elections based on experience in 2004 further supports the importance of quick action.

As we noted in our June 29th submission of the final reports, we would of course prefer that notice of their availability be issued jointly by the EAC, Rutgers, and Ohio State. If, however, the Commission would rather not proceed in that direction, then the two universities will work on our own to make the reports publicly available.

I would appreciate it if you would give me a call this week or next at the latest to discuss the best way to move forward.

Sincerely,

John Weingart, Associate Director
Eagleton Institute of Politics

Cc: EAC Commissioners
Karen Lynn-Dyson

008481



Amie J. Sherrill/EAC/GOV
06/12/2006 08:59 AM

To Raymundo Martinez/EAC/GOV, Gracia Hillman/EAC/GOV,
ddavidson@eac.gov, twilkey@eac.gov,
cc jthompson@eac.gov@EAC, Karen Lynn-Dyson/EAC/GOV,

bcc

Subject Letter from Eagleton

Please find attached a letter from the Eagleton Institute of Politics. Thank you.

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



Letter from Eagleton.pdf

008482



EAGLETON INSTITUTE OF POLITICS

FAX COVER SHEETDate: 6/8/06To: Paul S. De GregorioFax Number: 202-566-3127

Phone Number: _____

Total Number of Pages (including cover sheet): 3

Comments:

From: John Weingart X 290

191 RYDERS LANE, NEW BRUNSWICK, NJ 08901-8557

Tel: 732/932-9384
Fax: 732/932-6778THE STATE UNIVERSITY OF NEW JERSEY
RUTGERSE-mail: eagleton@rci.rutgers.edu
Web: www.eagleton.rutgers.edu

008483



EAGLETON INSTITUTE OF POLITICS

Paul S. DeGregorio
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
Fax: (202) 566-3127

June 8, 2006

Dear Chairman DeGregorio:

Karen Lynn-Dyson relayed the Commission's decision in your meeting of June 1 to take more time to consider how to proceed with the delivery of EAC research reports on provisional voting and voter identification.

The Eagleton-Moritz research team, of course, encourages the Commission's thoughtful consideration of the two reports, but we are mindful of the need to deliver revised documents that respond to the Commission's comments by the close of our contract on June 30th. We believe that if we receive the Commission's final comments on the Provisional Voting report by June 19 we will be able to complete any additional work that the Commission might request and incorporate the results in our final reports before the end of the contract period.

Based on suggestions raised at the meetings, we already plan to supplement the Provisional Voting report with some brief, additional information about the influence of the fail-safe ballot provisions of the National Voting Rights Act on the experience with provisional voting in 2004.

We understand that the Commission must submit the final draft Voter ID report to the same review process by your advisory boards as was followed with the Provisional Voting paper. We understand that step is a prerequisite for wider release. We would appreciate your advice on how to handle this review, given the rapidly approaching end of our contract.

We hope the commission will use both reports, as intended from the outset of this project, as the basis for recommendations for better, if not best, practices to the states. If the Commission cannot decide to issue such recommendations to the states, we hope it will promptly release the reports to provide the states and the broader elections community with this information, analysis and perspective on the issues.

We recognize, based on the reactions at the meetings of the Standards Board and, particularly, the Board of Advisors, that some of the findings, conclusions, and recommendations of the reports will be controversial with some of the Commission's constituencies. But we also believe, based on the comments of the Peer Review Group, the advisors assembled by the Commission, and our response to their critiques, that the reports are grounded on solid research by a well-qualified, nonpartisan team and that the reports will provide new information for the policy process. We believe this information will contribute to achieving the EAC mission of providing helpful information that the states may or may not choose to implement.

191 RYDERS LANE, NEW BRUNSWICK, NJ 08901-8557

Tel: (732) 932-9384
Fax: (732) 932-6778

THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS

E-mail: eagleton@rci.rutgers.edu
Web: www.eagleton.rutgers.edu

008484

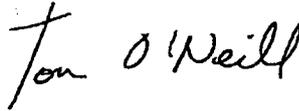
June 8, 2006 letter to Chairman DeGregorio from Thomas O'Neill

page 2

The information in the reports can improve the policy process by raising the level of debate over increasingly volatile issues related to election administration. We believe our reports will prove useful to the states as they complete preparations for the 2006 elections. Moreover, the elections community is aware of this work, and awaits the analysis and conclusions.

We look forward to working with you to conclude this research in a way that will serve the public interest.

Very truly yours,

A handwritten signature in black ink that reads "Tom O'Neill". The signature is written in a cursive style with a large initial "T" and "O".

Thomas M. O'Neill
Project Director

Jeannie Layson /EAC/GOV
02/14/2007 03:14 PM

To Bert A. Benavides/EAC/GOV@EAC, sbanks@eac.gov,
klynndyson@eac.gov
cc twilkey@eac.gov, jthompson@eac.gov, ggilmour@eac.gov
bcc

Subject Eagleton documents

Hello everyone,

I am trying to get my arms around exactly what information from either the Eagleton voter ID or provisional voting report was sent from this office to outside parties. Please note that I have had several FOIA requests for both reports, so I need to know exactly what has been released to make sure that I have responded to these requests accurately. In other words, I want to make sure that I have not refused to provide data or information that has been provided to third parties. If you do not find any records regarding this request, please respond to this email "no records found." Thank you.

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

008486

Jeannie Layson /EAC/GOV
02/14/2007 03:08 PM

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

She thinks it was provisional voting, but she's not sure. I asked Sheila what she sent to Tom Hicks, and she can't find the email.

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

Juliet E. Hodgkins/EAC/GOV
02/14/2007 02:53 PM

To Jeannie Layson/EAC/GOV@EAC
cc
Subject Re: Eagleton 

Is she sure that it was the voter ID stuff and not the provisional ballot stuff?

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

Jeannie Layson /EAC/GOV
02/14/2007 02:49 PM

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

Karen says we sent them to Tom Hicks and to Michael McDonald. Grrr...

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

008487

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
02/14/2007 02:46 PM

To Jeannie Layson/EAC/GOV@EAC
cc
Subject Re: Eagleton 

I don't know that we sent the appendixes to people. I think what we did was tell Eagleton that they could use their research. I wrote some letters for Tom to send. We can pull them tomorrow.

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

Jeannie Layson /EAC/GOV
02/14/2007 02:34 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc jthompson@eac.gov, twilkey@eac.gov, ggilmour@eac.gov
Subject Re: Eagleton 

After speaking with Karen, I was reminded that we sent the appendixes to several people. Does that mean I need to send those to anyone who submits a FOIA request for the draft Eagleton voter ID report?

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

Karen Lynn-Dyson/EAC/GOV

02/14/2007 02:18 PM

To Jeannie Layson/EAC/GOV@EAC
cc jthompson@eac.gov, twilkey@eac.gov
Subject Re: Eagleton Link

008488

FYI-

This is a version of the paper which they presented at the APSA meeting this summer. As I recall we gave them permission to present this paper, because it was Counsel's belief that we could not prevent them from doing do.

Also, FYI- They cite/acknowledge the reviewers whom we gathered to review and react to the preliminary draft.

K

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

Jeannie Layson/EAC/GOV

02/14/2007 02:07 PM

To jthompson@eac.gov, klynndyson@eac.gov, twilkey@eac.gov
cc
Subject Eagleton

Did we know that they have released a paper that includes the data they collected on our behalf?
Electionline is working on a story about their data. Go here
http://www.eagleton.rutgers.edu/News-Research/VoterID_Turnout.pdf

Jeannie Layson
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1225 New York Ave., NW
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Phone: 202-566-3100
www.eac.gov

008489

Jeannie Layson /EAC/GOV
02/14/2007 02:54 PM

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

I will make sure...

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

Juliet E. Hodgkins/EAC/GOV
02/14/2007 02:53 PM

To Jeannie Layson/EAC/GOV@EAC
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Subject Re: Eagleton 

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

Jeannie Layson /EAC/GOV
02/14/2007 02:49 PM

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Subject Re: Eagleton 

Karen says we sent them to Tom Hicks and to Michael McDonald. Grrr...

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1225 New York Ave., NW
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www.eac.gov
Juliet E. Hodgkins/EAC/GOV

008490

Juliet E. Hodgkins/EAC/GOV

02/14/2007 02:46 PM

To Jeannie Layson/EAC/GOV@EAC

cc

Subject Re: Eagleton 

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

Jeannie Layson /EAC/GOV

02/14/2007 02:34 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

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

Subject Re: Eagleton 

After speaking with Karen, I was reminded that we sent the appendixes to several people. Does that mean I need to send those to anyone who submits a FOIA request for the draft Eagleton voter ID report?

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

Karen Lynn-Dyson/EAC/GOV

02/14/2007 02:18 PM

To Jeannie Layson/EAC/GOV@EAC

cc jthompson@eac.gov, twilkey@eac.gov

Subject Re: Eagleton [Link](#)

008491

FYI-

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Also, FYI- They cite/acknowledge the reviewers whom we gathered to review and react to the preliminary draft.

K

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

Jeannie Layson /EAC/GOV

02/14/2007 02:07 PM

To jthompson@eac.gov, klynndyson@eac.gov, twilkey@eac.gov
cc
Subject Eagleton

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Jeannie Layson
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1225 New York Ave., NW
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Phone: 202-566-3100
www.eac.gov

008492

Jeannie Layson /EAC/GOV
02/14/2007 02:49 PM

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

History

 This message has been replied to

Karen says we sent them to Tom Hicks and to Michael McDonald. Grrr...

Jeannie Layson
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1225 New York Ave., NW
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02/14/2007 02:46 PM

To Jeannie Layson/EAC/GOV@EAC
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Subject Re: Eagleton 

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Jeannie Layson /EAC/GOV
02/14/2007 02:34 PM

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www.eac.gov

Karen Lynn-Dyson/EAC/GOV

02/14/2007 02:18 PM

To Jeannie Layson/EAC/GOV@EAC
cc jthompson@eac.gov, twilkey@eac.gov
Subject Re: Eagleton Link

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

Jeannie Layson /EAC/GOV

02/14/2007 02:07 PM

To jthompson@eac.gov, klynndyson@eac.gov, twilkey@eac.gov
cc
Subject Eagleton

008494

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Jeannie Layson /EAC/GOV
02/14/2007 02:34 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc jthompson@eac.gov, twilkey@eac.gov, ggilmour@eac.gov
bcc
Subject Re: Eagleton 

History

 This message has been replied to

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Phone: 202-566-3100
www.eac.gov

Karen Lynn-Dyson/EAC/GOV

02/14/2007 02:18 PM

To Jeannie Layson/EAC/GOV@EAC
cc jthompson@eac.gov, twilkey@eac.gov
Subject Re: Eagleton Link

FYI-

This is a version of the paper which they presented at the APSA meeting this summer. As I recall we gave them permission to present this paper, because it was Counsel's belief that we could not prevent them from doing do.

Also, FYI- They cite/acknowledge the reviewers whom we gathered to review and react to the preliminary draft.

K

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

008496

Jeannie Layson /EAC/GOV

02/14/2007 02:07 PM

To jthompson@eac.gov, klynndyson@eac.gov, twilkey@eac.gov
cc
Subject Eagleton

Did we know that they have released a paper that includes the data they collected on our behalf?
Electionline is working on a story about their data. Go here
http://www.eagleton.rutgers.edu/News-Research/VoterID_Turnout.pdf

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

008497

Jeannie Layson /EAC/GOV
02/14/2007 02:07 PM

To jthompson@eac.gov, klynndyson@eac.gov,
twilkey@eac.gov
cc
bcc
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008498

Karen Lynn-Dyson/EAC/GOV
02/14/2007 03:24 PM

To Jeannie Layson/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, ggilmour@eac.gov,
jthompson@eac.gov, sbanks@eac.gov, twilkey@eac.gov
bcc
Subject Re: Eagleton documents 

As discussed- I have checked my e-mail and have no documents found.
Also, as discussed I am aware that Mike McDonald was sent materials and Tom Hicks materials related to the Eagleton reports. Neither set of materials was sent directly by me, however.

K

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

Jeannie Layson/EAC/GOV

02/14/2007 03:14 PM

To Bert A. Benavides/EAC/GOV@EAC, sbanks@eac.gov, klynndyson@eac.gov
cc twilkey@eac.gov, jthompson@eac.gov, ggilmour@eac.gov
Subject Eagleton documents

Hello everyone,
I am trying to get my arms around exactly what information from either the Eagleton voter ID or provisional voting report was sent from this office to outside parties. Please note that I have had several FOIA requests for both reports, so I need to know exactly what has been released to make sure that I have responded to these requests accurately. In other words, I want to make sure that I have not refused to provide data or information that has been provided to third parties. If you do not find any records regarding this request, please respond to this email "no records found." Thank you.

Jeannie Layson
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www.eac.gov

008499

Karen Lynn-Dyson/EAC/GOV
02/14/2007 02:18 PM

To Jeannie Layson/EAC/GOV@EAC
cc jthompson@eac.gov, twilkey@eac.gov
bcc
Subject Re: Eagleton 

FYI-

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Also, FYI- They cite/acknowledge the reviewers whom we gathered to review and react to the preliminary draft.

K

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

Jeannie Layson/EAC/GOV

02/14/2007 02:07 PM

To jthompson@eac.gov, klynndyson@eac.gov, twilkey@eac.gov
cc
Subject Eagleton

Did we know that they have released a paper that includes the data they collected on our behalf? Electionline is working on a story about their data. Go here
http://www.eagleton.rutgers.edu/News-Research/VoterID_Turnout.pdf

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008500

Karen Lynn-Dyson/EAC/GOV
10/04/2006 03:02 PM

To Thomas R. Wilkey/EAC/GOV@EAC
cc Jeannie Layson/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
bcc
Subject Re: Eagleton Response


Tom-

As I believe you are aware, The Eagleton Institute 'sTim Vercellotti " Analysis of Effects of Voter ID Requirements on Turnout" was made public at the American Political Science Association meeting and was subsequently referenced on Dan Tokaji's blog.

We have sent the following:

To Mike McDonald :

Appendix C: Provisional Ballot Litigation by Issue

Appendix D: Provisional Ballot Litigation by State

To Tom Hicks :

Appendix A: Summary of Voter ID Requirements by State

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

Appendix D: Annotated Bibliography on Voter Identification Issues

Karen Lynn-Dyson
Research Director
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
10/04/2006 01:50 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC
Subject Eagleton Response

Karen;

Could you please put a list of items we have released and what has not been released on the two Eagleton Reports.

I would like to get back to John on this on want us ALL to be on the same page.

008501

Thanks
Tom

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

008502

Karen Lynn-Dyson/EAC/GOV

08/24/2006 05:06 PM

To twilkey@eac.gov, Jeannie Layson/EAC/GOV@EAC, Juliet E.
Thompson-Hodgkins/EAC/GOV@EAC

cc Bert A. Benavides/EAC/GOV@EAC

bcc

Subject letter to John Weingart/Eagleton

Tom-

Here is my draft of a letter to Weingart. I know you want to get this out ASAP.

I'm certain that what I said re: voter id should be edited by Jeannie and Julie.

K



releaseofEagletonstudy.doc
Karen Lynn-Dyson
Research Director
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1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

008503

John Weingart
Associate Director
Eagleton Institute of Politics
Rutgers University

New Brunswick, NJ

Dear Mr. Weingart:

Thank you for your recent inquiry of August 16, 2006 regarding the anticipated release of data contained in the Eagleton Institute of Politics and Moritz College of Law studies on provisional voting and voter identification, which were conducted for the U.S. Election Assistance Commission.

As you note in your letter, with the upcoming 2006 elections, election officials could benefit from information, which the EAC could provide, regarding provisional balloting and voter identification processes and procedures. Realizing the importance of providing this information the Commission anticipates releasing its report on provisional voting within the next several weeks. However, in light of ongoing litigation surrounding the topic of voter identification and its impact on the voting process, the Commission does not anticipate releasing a research report, at this time, regarding voter identification processes and their possible impact on voter turnout.

The body of the EAC provisional voting report will contain a series of recommendations for sound practices to be used in the provisional voting process. The information will be drawn from the recommendations and summaries provided in the final Eagleton report. A review by EAC found that the information contained in the state summaries section of the Eagleton provisional voting report was not completely accurate and would require a more thorough review and vetting process by states. Therefore, this information will not be contained in the EAC report. The information contained in the case law section of the Eagleton report will be captured in the information to be provided in EAC's online legal clearinghouse.

I hope that this clarifies how the EAC will be proceeding with the information and research which Eagleton performed related to its contract with the EAC.

Sincerely,

Thomas Wilkey
Executive Director

008504

Karen Lynn-Dyson/EAC/GOV

09/25/2006 12:20 PM

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

cc Sheila A. Banks/EAC/GOV@EAC

bcc

Subject Distribution of Voter ID Report Appendices to Tom Hicks

Commissioner Hillman has asked a follow-up question regarding the sharing of EAC's information, on the Eagleton study on Voter ID requirements, with Tom Hicks.

I have given Sheila the following appendices for possible distribution to Tom Hicks:

1. Summary of Voter ID Requirements by State
2. Court Decisions and Literature on Voter Identification and Related Issues Court decisions
3. Annotated bibliography on Voter Identification Issues

I have **not** given Sheila, for distribution, these Appendices or parts of the report:

1. Analysis of Effects of Voter ID Requirements on Turnout
2. The Executive Summary and Recommendations
3. Summary of Research
4. State Statutes and Regulations Affecting Voter Identification (electronic version only)

****You'll also recall that I 'm awaiting Tom 's approval to send to Mike McDonald , various appendices from the Eagleton Provisional Voting report**

Thanks

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

008505

Karen Lynn-Dyson/EAC/GOV
09/15/2006 10:34 AM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc twilkey@eac.gov, Bert A. Benavides/EAC/GOV@EAC
bcc
Subject Re: Call to discuss release of Rutgers Voter ID report 

History

 This message has been replied to.

Julie-

I haven't heard from Tom on his availability-

All-

Can we do a call at 1:30?

K

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

008506

Karen Lynn-Dyson/EAC/GOV

09/15/2006 09:31 AM

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

cc Bert A. Benavides/EAC/GOV@EAC

bcc

Subject Call to discuss release of Rutgers Voter ID report

History

✉ This message has been replied to

Julie and Tom-

Commissioner Hillman has asked me to meet with each of you this morning regarding the sharing of the information of this report with Hill staffers.

Could we have a call at 10:30 or 11:00 this morning to reach a decision on how to proceed with this request?

I understand this is a time-sensitive matter that will need to be resolved by early afternoon.

Thanks

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

008507



Sheila A. Banks/EAC/GOV
09/25/2006 04:32 PM

To twilkey@eac.gov, Juliet E. Hodgkins/EAC/GOV@EAC
cc
bcc
Subject Fw: Distribution of Voter ID Report Appendices to Tom Hicks

History This message has been replied to

As a follow up to Karen's email, I have additional questions regarding the appendices she gave me:

1. Should I give you the materials I have already for approval?
2. Does a DRAFT watermark need to be on the document?
3. Should the names on the document be removed and add EAC?
4. Should I send Tom Hicks a hard copy or scanned copy?

Thanks,

Sheila

— Forwarded by Sheila A. Banks/EAC/GOV on 09/25/2006 12:53 AM —

Karen Lynn-Dyson/EAC/GOV

09/25/2006 12:20 PM

To twilkey@eac.gov, Juliet E. Hodgkins/EAC/GOV@EAC
cc Sheila A. Banks/EAC/GOV@EAC
Subject Distribution of Voter ID Report Appendices to Tom Hicks

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3. Summary of Research
4. State Statutes and Regulations Affecting Voter Identification (electronic version only)

****You'll also recall that I 'm awaiting Tom 's approval to send to Mike McDonald , various appendices from the Eagleton Provisional Voting report**

Thanks

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

tel:202-566-3123

008509



Gracia Hillman/EAC/GOV

10/10/2006 10:46 AM

To pdegregorio@eac.gov, Ddavidson@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, jlayson@eac.gov,
cc sbanks@eac.gov

bcc

Subject Letter from Barbara Arnwine

As you have heard me say on more than one occasion, "the honeymoon is over." Our ongoing communications with our working groups is ever so important, especially to explain lengthy delays and/or changes in strategy.

008510



Gracia Hillman/EAC/GOV

10/10/2006 12:12 PM

To Margaret Sims/EAC/GOV@EAC

cc "Julie Thompson-Hodgkins" <jthompson@eac.gov>, "Tom Wilkey" <twilkey@eac.gov>, sbanks@eac.gov

bcc

Subject Re: Letter from Barbara Arnwine 

The letter was addressed to the commissioners. I will ask Sheila to give a copy to you.

Per our normal procedures, I would guess a reply should be drafted for the Chairman's signature (especially as he is the DFO for the Board of Advisors) but you should check that with Tom.

Thanks.

008511

TO: Thomas Wilkey
FROM: Karen Lynn-Dyson
SUBJECT: Peer Review of Eagleton Statistical Analyses
DATE: April 14, 2006

As we've discussed, there are lingering doubts on the part of several Commissioners and EAC staff about the accuracy and validity of the statistical analysis which Eagleton has performed on its voter identification study. Many of Eagleton's conclusions, observations and recommendations rest on this statistical analysis.

A statistical analysis was also performed. Although their conclusions and recommendations are based on statistical analysis and research, they do not rest on findings as they are for the voter identification study.

*Tom's docs
& emails
Feinstein*

onal voting.
rely on their
his study's

Before a final Eagleton report on Provisional Voting is issued, the EAC Standards Board and Board of Commissioners should recommend that a small peer review group be convened. A review by a small panel, comprised of 3-4 experts with backgrounds in election research methodologies and statistics, should yield us the validation and verification of the reliability and validity of the Eagleton research, which we are seeking.

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lay meeting, I
A review by a

I am further recommending that such a panel be convened either telephonically or in person at EAC's offices on May 10 or May 11. In addition to select EAC staff and interested Commissioners, Eagleton's key researchers/statisticians responsible for conducting the research and analysis would be present during the review. Prior to the review panelists would be given background materials describing, in detail, the methodology and analysis used in the provisional voting and voter identification studies.

The peer review panelists which have been recommended to me include:

Jonathan Nagler- NYU
Jan Leighley- University of Arizona
Ben Highton -UC Davis
Adam Berinsky- MIT
Bernard Grofman- UC Irvine

008512

There may be one or two others whom the Commissioners or EAC staff may wish to recommend.

As you will note, the proposed review panel represents a wide geographic diversity. While budgetary constraints might make a one day in-person peer review meeting unrealistic, it is likely to yield a richness of review and exchange that will not be possible through a series of conference calls with the review panel. Such a one-day peer-review meeting is likely to cost in the range of \$7,000. This figure would include a small honoraria that would be given to each peer reviewer.

I look forward to your comments and recommendations. Planning for such a review will need to begin as soon as possible.



"Tom O'Neill"

05/04/2006 05:00 PM

To klynndyson@eac.gov

cc tokaji.1@osu.edu, foley.33@osu.edu,
lauracw@columbus.rr.com, "Tim Vercellotti"
<tim.vercellotti@rutgers.edu>, arapp@rci.rutgers.edu,
bcc

Subject Revised Voter ID Analysis

Karen,

Attached is Tim Vercellotti's Voter ID analysis revised to use Citizen Voting Age population as the base for turnout calculations and to take account of comments or issues raised by the EAC and our Peer Review Group. This draft is for distribution to the reviewers who will meet by teleconference on May 11, at, we understand, 11:30 a.m.

You are receiving this at the same time that it is being distributed to the ~~Engleton-Moritz team~~ so that the new reviewers will have a week to prepare for our conversation on the 11. Early next week you will receive a revised summary paper on Voter ID that incorporates the new data and findings in Tim's revised analysis. That too will be for distribution to the new reviewers.

Tom O'Neill



VoterIDAnalysis VercRev0504.doc

008514

Analysis of Effects of Voter Identification Requirements on Turnout

Tim Vercellotti

Eagleton Institute of Politics

Rutgers University

May 4, 2006

Introduction

A key area of disagreement in the policy debate over voter identification requirements concerns whether such requirements dampen 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 of voter identification requirements contend that the effect is greater for some specific types of requirements. For example, critics argue that requiring voters to produce government-issued photo identification on Election Day is more demanding than, say, requiring that they state their names at the polling place. 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

Based on research performed for this study by the Moritz College of Law, states had one of five types of requirements in place on Election Day 2004. Upon arrival at polling places, voters had to: 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.

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.

008515

Deliberative Process
Privilege

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

Estimating turnout among citizens in the voting-age population

This report examines turnout among U.S. citizens of voting age in both the aggregate- and the individual-level data. Determining citizenship status in the individual-level data simply involved restricting the analyses to individuals who identified themselves as citizens in the November 2004 Current Population Survey. (Those who said they were not citizens did not have the opportunity to answer the supplemental voting questions contained in the Current Population Survey.)

In the aggregate data, determining the percentage of the voting-age population that has U.S. citizenship posed a methodological challenge. The Census Bureau gathers information on the citizenship status of adults ages 18 and older only during the decennial census. While the Census Bureau provides annual estimates of the population to account for changes between decennial censuses, the bureau does not offer estimates for the proportion of the adult population who are citizens as part of the annual estimates. To address this issue I estimated the 2004 citizen voting-age population for each county using a method reported in the analysis of the 2004 Election Day Survey conducted for the U.S. Election Assistance Commission (U.S. Election Assistance Commission, 2005). I calculated the percentage of the 2000 voting-age population who were citizens in 2000, and applied that percentage to the July 1, 2004 estimates for voting-age population in each county. In other words, I assumed that the percentage of the voting-age population that had U.S. citizenship in 2004 was similar to the percentage of the voting-age population who were citizens in 2000.²

² McDonald and Popkin (2001) recommend an even more stringent approach to voter turnout calculations. 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.

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 maximum voter identification requirements ($r = -.30, p < .0001$). In considering the array of minimum requirements, with affidavit as the most demanding requirement, voter identification also is negatively correlated with turnout ($r = -.20, p < .0001$). 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]

The aggregate data show that 60.9 percent of the estimated citizen voting age population voted in 2004. Differences in voter turnout at the state level in 2004 varied based on voter identification requirements. Taking into account the maximum requirements, an average of 64.6 percent of the voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. A similar trend emerged when considering minimum requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their names, compared to 60.1 percent in states that required an affidavit from voters.

Voter identification requirements alone, however, do not determine voter turnout. Multivariate models that take into account other predictors of turnout can paint a more complete picture of the relationship between voter identification requirements and turnout. 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. I coded the voter identification requirements on a scale of one to five, with one representing the least demanding form of identification and five representing the most demanding form of identification. To capture electoral context I 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

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

dependent variable in each model was voter turnout at the county level, with turnout calculated as the percentage of the estimated citizen 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 exerted a positive effect on voter turnout, and the percentage of individuals living below the poverty line had a negative effect. The effect of the percentage of Hispanic adults in the county on turnout fell just short of statistical significance ($p = .05$).

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 In addition, adding the interactions to the model resulted in the percentage of Hispanics in the population having a direct and negative effect on turnout. The interactions suggest that 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 ($p < 0.005$).

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

[Table 3 here]

The effects of the minimum requirements fell short of statistical significance ($p = 0.08$). The battleground state variable continued to exert a positive influence on turnout, while the presence of a competitive race for governor and/or U.S. Senate had no statistically significant effect. As in the maximum identification requirement model, as the percentage of the population that is poor increased, turnout declined. As the percentage of elderly increased, so did turnout. The proportion of African-Americans in the population had a positive effect on turnout, while the percentage of Hispanics did not affect turnout.

intercept as a predictor generated an intraclass correlation of .43, 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 $-0.13 [-0.03$ (voter id) $- 0.13$ (Hispanic) $+ 0.03$ (voter id X Hispanic)].

Adding interactive effects to the model resulted in a statistically significant and negative effect of minimum voter identification requirements on turnout. The percentage of Hispanic adults in the county had a significant and negative effect on turnout, and the percentage of individuals below the poverty line continued to have a negative effect. Interactions between the percentages of Hispanics and those below the poverty line and minimum voter identification requirements also were significant. The percentage of African-Americans in the county and the interaction between African-Americans and voter identification requirements were not significant. A chi-square test for the difference in fit between the two models showed that the model with interactions provides a better fit to the data ($p < .025$).

Analysis of the aggregate data at the county level generates some support for the hypothesis that as the demands of voter identification requirements increase, turnout declines. 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).⁵ 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.⁶ 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 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.

⁵ A reviewer for an earlier version of this paper recommended adding an education variable to the aggregate model. One version of the aggregate model not reported here included the percentage of adults in the county who had at least a college degree. The measure was highly collinear with the percentage of residents living below the poverty line, necessitating removal of the college degree variable from the model.

⁶ 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).

citizens because the questionnaire design skipped those individuals past the voter registration and turnout questions in the survey.

The dependent variable in these analyses is whether a respondent said he or she voted in the November 2004 election.⁷ As in the analysis of aggregate data, I coded voter identification requirements for each respondent's state of residence on a scale of one to five, with one representing the least demanding requirement (stating one's name) and five representing the most demanding requirement (photo identification or affidavit).

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 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 data 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).⁸ 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 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, which

⁷ 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.

⁸ Asian-Americans are included in the "other non-white races" category. In response to a request from officials at the U.S. Election Assistance Commission who had read an earlier version of this paper and were curious about the experiences of Asian-Americans, I ran models using Asian-Americans as a separate category in addition to the models presented here. Voter identification requirements did not have a statistically significant effect on whether Asian-American voters said they turned out in the 2004 election.

calculates the effects of independent variables on the probability that an event occurred -- in this case whether a respondent said he or she voted. I estimated the models using 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.⁹ 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 0.912 for stating one's name to 0.887 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.¹⁰ 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

⁹ 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).

¹⁰ The voter turnout percentages may seem disproportionately high compared to the turnout rates reported in the aggregate data analysis. It is important to consider that the turnout rates in the aggregate data were a proportion of all citizens of voting-age population, while the turnout rates for the individual-level data are the proportion of only registered voters who said they voted.

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, omitting that variable while I re-ran the probit model with the remaining predictors of voter turnout, including the voter identification requirements.¹¹ 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/Non-Hispanic 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 3.2 percent respectively in the predicted probability of voting. The identification requirements had no effect on the probability of Black/Non-Hispanics 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 was 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 when the maximum requirement was stating one's name, and the probability dropped 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).

Breaking down the 18- to 24-year-old age group by race shed additional light on the effects of voter identification requirements on specific groups.

[Table 8 here]

The gap in predicted probability that White/Non-Hispanic voters in the 18- to 24-year-old category would turn out was 9.2 percent when the identification requirements varied from stating one's name to providing photo identification. The gap was 7.8 percent when taking into account the minimum requirements. The effects of maximum voter identification requirements also were statistically significant for African-Americans in the 18- to 24-year-old age group, with a gap in

¹¹ See Nagler 1991 for a similar approach in analyzing the effects of registration closing dates broken down by education levels.

the predicted probability of voting of 10.6 percent. Maximum and minimum voter identification requirements were not a significant predictor of voting among Hispanics ages 18 to 24.

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.¹²

[Table 9 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 .784 for poor voters if they would have to identify themselves by giving their name, and the probability declined to .731 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). Given that political discourse about voter identification requirements includes concerns about the effects of the requirements on poor and minority voters, I also ran probit analyses for sub-samples of white and minority voters who fell below the poverty line. The voter identification requirements did not exert statistically significant effects on turnout among poor White/Non-Hispanic and Hispanic voters, but did have a significant effect on Black/Non-Hispanic voters who were below the poverty line.¹³ Allowing the maximum voting requirement to vary from the least to the most demanding, the probability that African-American voters below the poverty line said they had voted dropped by 7.5 percent.

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 10 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).

¹² 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.

¹³ The lack of significant effects for poor Hispanic voters is in contrast to the results from the aggregate data analysis. The sub-sample of poor Hispanic voters was small (n = 491), which may have contributed to the lack of statistical significance.

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 still statistically significant.

The effects of voter identification requirements were more pronounced for specific subgroups. Hispanic voters and the poor appeared to be less likely to vote as the level of required identification became 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 respondents living in poor households were 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. African-American voters from households below the poverty line were 7.5 percent less likely to vote as the maximum requirements varied from stating one's name to providing photo identification.

Effects of voter requirements also varied with education. Registered voters who had not graduated from high school were 6.7 percent less likely to say they voted 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 were 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. Breaking down the age group by race, the effects were significant for young White/Non-Hispanic and Black/Non-Hispanic voters.

The results shed additional light on the effects of voter identification requirements on two groups often projected as being particularly sensitive to such requirements: African-American voters and elderly voters. The effects on African-American voters were pronounced for two specific sub-samples: African-American voters living below the poverty line and those in the 18- to 24-year-old age group. 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?¹⁴ Or, do the requirements result in some voters

¹⁴ 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

being turned away when they cannot meet the requirements on Election Day? The CPS data do not include measures that can answer this question. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

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	64.6 %	State Name	63.0 %
Sign Name	61.1 %	Sign Name	60.8 %
Match Signature	60.9 %	Match Signature	61.7 %
Provide Non-Photo ID	59.3 %	Provide Non-Photo ID	59.0 %
Provide Photo ID	58.1 %	Swear Affidavit	60.1 %
Average Turnout for All States	60.9 %		

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	0.69	0.02
Voter ID requirements	-0.01**	0.003	-0.03**	0.004
Battleground State	0.04*	0.01	0.04*	0.02
Competitive Senate/Governor's Race	0.04*	0.02	0.04*	0.02
% Age 65 and Older	0.48**	0.03	0.50**	0.03
% African-American	0.05**	0.01	0.06	0.03
% Hispanic	-0.02	0.01	-0.13**	0.05
% Below poverty line	-0.01**	0.0002	-0.01**	0.001
VID * African-American	----	----	-0.004	0.01
VID * Hispanic	----	----	0.03*	0.01
VID * Poverty	----	----	0.001**	0.0002
-2 Log Likelihood	-8638.0		-8651.1	

Coefficients are restricted maximum likelihood estimates. N = 3,111. * 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	0.63	0.02	0.66	0.02
Voter ID requirements	-0.009	0.005	-0.02**	0.006
Battleground State	0.04*	0.02	0.04*	0.02
Competitive Senate/Governor's Race	0.03	0.02	0.03	0.02
% Age 65 and Older	0.48**	0.03	0.48**	0.03
% African-American	0.05**	0.01	0.04	0.03
% Hispanic	-0.12	0.01	-0.13**	0.04
% Below poverty line	-0.01**	0.0003	-0.01**	0.001
VID * African-American	----	----	0.01	0.01
VID * Hispanic	----	----	0.03*	0.01
VID * Poverty	----	----	0.001**	0.0002
-2 Log Likelihood	-8630.8		-8620.1	

Coefficients are restricted maximum likelihood estimates. N = 3,111. * p < .05 ** p < .01 (two-tailed tests)

Table 4. Probit model of voter turnout.				
	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/Non-Hispanic 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>			

Table 7. Predicted probability of voter turnout – Age groups

	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	0.795	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

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.

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

Table 8. Predicted probability of voter turnout – Age groups by race

	White/Non-Hispanic 18 - 24		Black/Non-Hispanic 18 - 24
	Maximum requirements	Minimum requirements	Maximum requirements
State name	0.844	0.836	0.899
Sign name	0.823	0.818	0.877
Match signature	0.801	0.799	0.852
Non-photo ID	0.777	0.779	0.824
Photo ID	0.752	----	0.793
Affidavit	----	0.758	----
Total difference – lowest to highest	0.092	0.078	0.106
N	3,814		562

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. Minimum voter identification requirements were not a significant predictor of voting for Black/Non-Hispanic voters ages 18 to 24. Maximum and minimum voter identification requirements were not a significant predictor of voting for Hispanic voters ages 18 to 24.

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

Table 9. Predicted probability of voter turnout – Voters above and below the poverty line

	All voters above the poverty line		All voters below the poverty line	Black/Non-Hispanic voters below the poverty line
	Maximum requirement	Minimum requirement	Minimum requirement	Maximum requirement
State name	0.920	0.922	0.784	0.833
Sign name	0.915	0.915	0.772	0.816
Match signature	0.909	0.907	0.758	0.798
Non-photo ID	0.903	0.899	0.745	0.778
Photo ID	0.897	----	----	0.758
Affidavit	----	0.891	0.731	
Total difference from lowest to highest	0.023	0.031	0.053	0.075
N	49,935		5,038	1,204

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 white and Hispanic voters who were below the poverty line. Minimum voter identification requirements were not a significant predictor of voting for Black voters below the poverty line.

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

Table 10. 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.

008535

Karen Lynn-Dyson/EAC/GOV
06/15/2006 11:26 AM

To twilkey@eac.gov, Bert A. Benavides/EAC/GOV@EAC
cc
bcc

Subject Eagleton letter in response to the Chairman

History

 This message has been replied to.

Tom-

Attached is a letter which I have drafted for you summarizing the Commissioner's discussion on the Eagleton contract and which will respond to John Weingart's letter to the Chairman.

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 Wilkey Eagleton close out letter.doc

008537



U. S. ELECTION ASSISTANCE COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005

June 15, 2006

John Weingart, Associate Director
Eagleton Institute of Politics
Rutgers University
191 Ryders Lane
New Brunswick NJ 08901-8557

Dear Mr. Weingart:

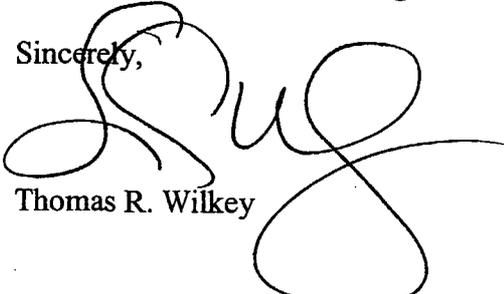
During a recent briefing by staff, the EAC discussed and reviewed possible next steps with the provisional voting and voter identification studies as well as the Eagleton contract which is scheduled to conclude on June 30, 2006.

We were in agreement that Eagleton's work on the EAC contract should conclude, as scheduled, by June 30, 2006. In preparation for this conclusion, the EAC requests that the comments and suggestions which were noted during the EAC's recent Board of Advisors and Standards Boards meeting (and were described in Mr. O'Neil's June 8, 2006 letter to Chairman DeGregorio) be included in the final draft report on provisional voting which Eagleton will deliver to the EAC on or about June 30, 2006. The Commissioners have determined that they will take this final draft report and, from it, may develop guidance and best practice recommendations that will be presented to the Board of Advisors and Standards Boards for further review.

The EAC Commissioners have also reviewed and considered next steps with the voter identification draft report which Eagleton has prepared. While the final disposition of the results and findings of this study, on the part of the EAC, are still unclear, the Commissioners have asked that the final draft report of this study also be prepared and submitted to the EAC not later than June 30, 2006.

We look forward to receiving these reports. On behalf of the EAC thank you for the considerable time and energy which the Eagleton/Moritz team has devoted to these critical election issues.

Sincerely,


Thomas R. Wilkey

008538



U. S. ELECTION ASSISTANCE COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005

June 29, 2006

Mr. John Weingart, Associate Director
Eagleton Institute of Politics
Rutgers University
191 Ryders Lane
New Brunswick, NY 08901-8557

Mr. Weingart:

On June 30, 2006, your contract with the U.S. Election Assistance Commission, Research Assistance for the Development of Voluntary Guidance on Provisional Voting and Voter Identification procedures, is scheduled to conclude. In the process of closing out this contract and completing the paperwork related to it EAC staff have noted several items related to the contract's deliverables.

Our records indicate that while Eagleton has submitted drafts of its provisional voting and voter identification study reports, formal monthly reports have not been submitted for the months of April and May, 2006. In addition to the submission of these reports, EAC anticipates that a final June monthly report will be delivered by Eagleton two weeks after the contract's conclusion.

EAC has, under the termination for convenience clause of its contract with Rutgers University, and, in the best interest of the Government, elected to terminate the portions of the contract which required the Eagleton Institute of Politics/Moritz School of Law to develop guidance on provisional voting and on voter identification and to hold public hearings related to each of these topics (sections 3.6, 3.7, 3.8, 3.9, 3.13, 3.14, 3.15 and 3.16 of the contract).

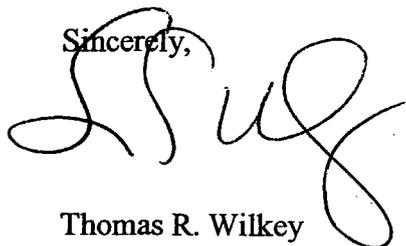
It is EAC's understanding that Rutgers University has not invoiced EAC for the activities and services related to these project deliverables. EAC staff have reviewed the invoices for this contract and have noted that invoices for the months of May and June are outstanding. It is anticipated that EAC will be in receipt of this final contract invoices within the next thirty days.

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Should you have any questions or concerns regarding the close-out of this EAC contract, please do not hesitate to contact me at 202-566-3100.

Again, on behalf of EAC, thank you for the valuable research you and your staff have provide for these critical and timely election topics.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Wilkey', written in a cursive style.

Thomas R. Wilkey



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

October 19, 2006

The Honorable Rush Holt
1019 Longworth Building
Washington, DC 20515

Via Facsimile Transmission ONLY
202-225-6025

RE: October 16, 2006 Letter

Dear Congressman Holt:

Your letter of October 16, 2006 requests the release of EAC's Voter Fraud and Intimidation Report. I would like to take this opportunity to clarify the purpose and status of this study.

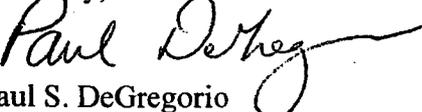
In late 2005, EAC hired two consultants for the purpose of assisting EAC with two things: 1) developing a uniform definition of the phrase voter fraud, and 2) making recommendations on how to further study the existence, prosecution, and means of deterring such voter fraud. In May 2006, a status report on this study was given to the EAC Standards Board and EAC Board of Advisors during their public meetings. During the same week, a working group convened to react to and provide comment on the progress and potential conclusions that could be reached from the work of the two consultants.

The conversation at the working group meeting was lively on the very points that we were trying to accomplish as a part of this study, namely what is voter fraud and how do we pursue studying it. Many of the proposed conclusions that were suggested by the consultants were challenged by the working group members. As such, the consultants were tasked with reviewing the concerns expressed at the working group meeting, conducting additional research as necessary, and providing a draft report to EAC that took into account the working group's concerns and issues.

That draft report is currently being vetted by EAC staff. EAC will release a final report from this study after it has conducted a review of the draft provided by the consultants. However, it is important to remember the purpose of this study -- finding a uniform definition of voter fraud and making recommendations on how to study the existence, prosecution and deterrence of voter fraud -- as it will serve as the basis of the EAC report on this study.

Thank you for your letter. You can be assured that as soon as a final report on the fraud and intimidation study is available, a copy will be made available to the public.

Sincerely,


Paul S. DeGregorio
Chairman

008541



EAGLETON INSTITUTE OF POLITICS

August 16, 2006

Thomas R. Wilkey, Executive Director
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
Fax: (202) 566-3127

Dear Mr. ^TWilkey:

I want to follow up with you about the reports the Eagleton Institute of Politics and Moritz College of Law have submitted on Provisional Voting and Voter Identification. As you know, your office has accepted them as the final work products required under our contract with the EAC.

With the new academic year about to begin, we want now to make the two reports available for use by researchers, legislators, election officials, and others interested in these topics. We have already received requests for them from other researchers who are interested in reviewing our findings for their own work. Also, at both Eagleton and the Moritz College of Law, we intend to draw on this research for teaching, scholarship and possibly public seminars. That the EAC originally commissioned these studies to offer lessons for the 2006 elections based on experience in 2004 further supports the importance of quick action.

As we noted in our June 29th submission of the final reports, we would of course prefer that notice of their availability be issued jointly by the EAC, Rutgers, and Ohio State. If, however, the Commission would rather not proceed in that direction, then the two universities will work on our own to make the reports publicly available.

I would appreciate it if you would give me a call this week or next at the latest to discuss the best way to move forward.

Sincerely,

John Weingart, Associate Director
Eagleton Institute of Politics

Cc: EAC Commissioners
Karen Lynn-Dyson

008542

191 RYDERS LANE, NEW BRUNSWICK, NJ 08901-8557



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

John Weingart, Associate Director
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

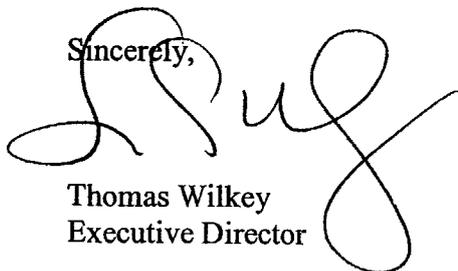
Dear Mr. Weingart:

Thank you for your recent inquiry of August 16, 2006 regarding the anticipated release of data contained in the Eagleton Institute of Politics and Moritz College of Law studies on provisional voting and voter identification, which were conducted for the U.S. Election Assistance Commission.

While your assertion that election officials could benefit from the data compiled in the course of your research may be true, I would urge Eagleton and Moritz to exercise caution in the release of this information without further work to ensure its accuracy and completeness. Eagleton and Moritz received information from several election officials at the Standards Board and Board of Advisors meetings that information contained in the data set and draft report are inaccurate or incomplete. Furthermore, as you will recall, EAC accepted the report based on your data in "draft" due to our concerns about the data and the analysis of that data. In light of those concerns, EAC has not yet completed its review of the "draft" report and has not made final determinations on the release of any future document based on that data and draft report.

As such, you may release the data gathered by Eagleton or Moritz; however this data may not be released in conjunction with or using EAC's name as endorsing the content, quality or veracity of such data. You may not release the draft report that you provided the EAC under contract as this report has not been finalized and has not been officially released EAC. Release of draft reports prior to final action by EAC will only serve to foster confusion and defeat the purpose of the contract for which Eagleton/Moritz was hired. I trust that this clarifies how Eagleton and Moritz may use the data gathered in the performance of its contract with the EAC. If you have any questions, please feel free to contact me.

Sincerely,



Thomas Wilkey
Executive Director



EAGLETON INSTITUTE OF POLITICS

Thomas Wilkey, Executive Director
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, D.C. 2005

September 13, 2006

Dear Tom:

Thank you for your response to my August 16th letter.

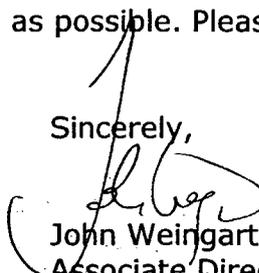
First, we appreciate the EAC's recognition that, apart from the two reports themselves, we may go forward now as scholars and academic institutions with the use of the research we conducted to prepare the reports, including data we collected and analyzed, for purposes of teaching, additional research, and dissemination to other scholars and colleagues at other academic institutions. We will honor your request that we not attribute the EAC's endorsement to this research and thus, insofar as future scholarly activity undertaken by Eagleton or Moritz refers to research conducted pursuant to our work for the EAC, we will note this research does not purport to represent the views of the EAC.

Second, as for the reports themselves, we continue to look forward to their public release in one of two ways: (a) either as reports of the EAC itself, prepared by the Eagleton-Moritz team; or (b) as Eagleton-Moritz reports prepared and received by the EAC, but without the EAC's endorsement or ratification. We need the EAC to quickly resolve which of these two alternatives it prefers. While we of course would welcome the choice of the first alternative, we do not feel it is necessary to achieve much of the purpose of this project, which was to provide information and analysis to the EAC, its stakeholder constituencies, and the public at large, which the EAC itself would be free to use to whatever extent it wishes it preparing advisories to the states and pursuing other policy objectives. These purposes could be achieved by the EAC simply releasing the reports with the disclaimer that that they do not reflect the EAC's views but rather serve as the basis for further public discussion of the issues addressed therein. Indeed, we think any further delay in the release of these reports will serve to defeat the project's purposes.

Therefore, we would be happy to discuss if there is anything we can do to facilitate a speedy determination of which alternative the EAC would like to adopt for the release of these reports.

I look forward to your response as quickly as possible. Please don't hesitate to call me to discuss these issues if that would be helpful.

Sincerely,


John Weingart
Associate Director

008544

191 RYDERS LANE, NEW BRUNSWICK, NJ 08901-8557

THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS

Tel: (732) 932-9384 ext. 290
Fax: (732) 932-6778

E-mail: john.weingart@rutgers.edu
Web: www.eagleton.rutgers.edu



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

October 17, 2006

Ms. Wendy R. Weiser
Deputy Director, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue of the Americas, 12th Floor
New York, NY 10013

Dear Ms. Weiser:

Thank you for your request for information regarding U.S. Election Assistance Commission (EAC) research projects on voter fraud and voter intimidation, provisional ballots and voter identification.

The status report on voter fraud and voter intimidation, prepared by EAC staff, and the draft report on provisional voting, prepared by the Eagleton Institute of Politics and the Moritz College of Law, are enclosed. EAC personnel are in the process of drafting a report about voter identification. The report will be made available upon completion.

Status documents about voter fraud and voter intimidation and provisional voting were presented to the EAC's Standards Board and Board of Advisors at a public meeting held in May 2006. Neither of these documents were final EAC reports. Per the Help America Vote Act (HAVA), the EAC works with its advisory boards to gather input on activities, including research projects. After discussing the provisional voting research with our advisory boards, they requested further research and clarification and noted that some of information was inaccurate or incomplete. Please see the attached resolutions passed by both entities outlining their concerns. As such, EAC is currently reviewing the draft report on provisional voting to address the concerns of the agency's advisory boards.

As a small agency of only 23 employees, including four commissioners, it is necessary for EAC to contract with third parties and experts to conduct research. The information provided by third parties is used by staff to develop EAC final policy or reports. No documents, drafts or third party recommendations submitted to EAC constitute official EAC policy or opinion and should not be identified or referred to as such.

Please note that our Standards Board and Advisory Board meetings are open to the public and are publicized on the EAC website at www.eac.gov and posted in the Federal Register.

Thank you for your interest, and let us know if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wilkey", written over the word "Sincerely,".

Tom Wilkey
Executive Director

008545



US ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO:

JOHN WEINGARTEN

FROM:

Bert A. Benavides (for Tom Wilkey)

COMPANY:

EAGLETON

DATE:

10/18/2006

FAX NUMBER:

732-932-6778

TOTAL NO. OF PAGES, INCLUDING COVER:

2

SENDER'S PHONE NUMBER:

202-566-3114 (Asst.: Bert Benavides)

SENDER'S FAX NUMBER

202-566-3128

RE:

RESPONSE TO BRENNAN CENTER
FOR JUSTICE, NYU SCHOOL OF
LAW

URGENT

FOR REVIEW



PLEASE COMMENT

X PLEASE REPLY



PLEASE RECYCLE

NOTES/COMMENTS:

Attached is sent to you at the request of Executive Director, Thomas R. Wilkey.

008546

MESSAGE CONFIRMATION

OCT-18-2006 08:17 AM WED

FAX NUMBER : 2025663128
NAME : EAC

NAME/NUMBER : 917329326778
PAGE : 2
START TIME : OCT-18-2006 08:16AM WED
ELAPSED TIME : 00' 26"
MODE : STD ECM
RESULTS : [O.K]

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