

**INGRID W. REED**

**Office:**

**Eggleton Institute of Politics,  
Rutgers, The State University  
191 Ryders Lane  
New Brunswick, NJ 08901**

**Home:**

[REDACTED]  
[REDACTED]  
[REDACTED]

---

**Professional Experience**

- Eggleton Institute of Politics. Director, Eggleton New Jersey Project, January 1996-.
- The Rockefeller University. Vice President for Public Affairs and Corporate Secretary, May 1992-December 1995. Consultant, 1996-2001.
- Woodrow Wilson School of Public and International Affairs, Princeton University, Director, Rockefeller Public Service Awards, 1975-81; Assistant Dean, September 1975-May 1992;  
Lecturer, 1989;
- New Jersey Department of Environmental Protection, Assistant for Special Projects to the Deputy Commissioner, 1975.
- Educational Testing Service. Assistant to the Controller, 1960-61.

**Current Public Service Activities**

- American Society for Public Administration, NJ Chapter Governing Council, 1996-.
- Capital City (Trenton) Redevelopment Corporation (a State agency), Chair of the Board, 1988-.
- Community Foundation of New Jersey, Board Member, 2000-
- Institute for Public Administration (NYC), Board Member, 1988-.
- National Public Service Awards Selection Committee, 1988- and executive committee member, 2001-.
- New Jersey Department of Human Services Work First N.J. Program, Task Force member, 1997-.
- New Jersey Future (coalition for state planning), Board Member, founder, former Board Chair, 1986-.
- Regional Plan Association, New Jersey Committee, 1997-. (Formerly New York Committee and Committee on the Third Plan, 1992-96.)
- Sandra Starr Foundation (Princeton, N.J.), Vice Chair of the Board, 1998-.

**Publications**

- "Crisis in Regional Planning," Regional Planning, G. Lim, editor, Allanheld Osmun, 1983.
- "The Life and Death of UDAG: An Assessment Based on Eight Projects in Five New Jersey Cities," PUBLIUS, Summer, 1989.
- "The New Information Technology: The Promise and the Challenge for U.S. Women in Politics,"  
presented at an invitational conference of the Center for Korean Women and Politics, Seoul, Korea, November 18-20, 1996.
- "Navigating Welfare Reforms," with Carl E. Van Horn, State Government News, April 1997, p. 25-27.

# DRAFT

- "Better Campaigns for Better Governance: A Challenge to Public Administration," Institute for Public Administration Report, Spring 1998.
- "N.J. Congressional Campaigns in 1998: Not Bad but Not Enough: A Report of the Research Project," with Professor Gerald M. Pomper. Featured in New Jersey Reporter, November 1999.
- Columnist on political matters, Op-ed Section, *Home News and Tribune*, New Brunswick, 1996-, *The Times*, Trenton, 1999-, *NJBiz*, 2005-. Also *New Jersey Law Journal*, *Philadelphia Inquirer*, *The Record*.
- "The New Jersey Initiative: Building Management Capacity in New Jersey Municipalities," associate director of a report of a pilot project conducted in partnership with Syracuse University's Maxwell School of Citizenship and Public Administration. August 2002.
- "The 2001 New Jersey Election," A Century Foundation Report, October 2002.
- "Issues in Voter Participation", a paper commissioned by the Center for Government Services, Rutgers, for its Making Democracy Work Roundtable, March 2004.

## Awards

- Elected fellow, National Academy of Public Administration, 1993.
- New Jersey Chapter, American Society for Public Administration Achievement Award, 1990.
- Kellogg National Leadership Fellowship, 1983-86.
- Phi Beta Kappa, 1958.

## Education

- University of Pennsylvania, A.B.(economics), College for Women, 1958.

DRAFT

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 11:45 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Please provide me with a hard copy of the Eagleton cost proposal, when you can

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:43 AM -----

 Nicole  
Mortellito/CONTRACTOR/EA  
C/GOV  
01/20/2006 02:01 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
Subject Re: Please provide me with a hard copy of the Eagleton cost proposal, when you can 



EAC Eagleton Institute Budget 3-22-05-1.xls

Regards,

Nicole K. Mortellito  
Special Projects  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.2209 phone  
202.566.3128 fax  
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV  
01/20/2006 12:54 PM

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC  
cc  
Subject Please provide me with a hard copy of the Eagleton cost proposal, when you can

Thanks

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

013390

Washington, DC 20005  
tel:202-566-3123

013391

**Eagleton Institute of Politics, Rutgers The State University of New Jersey**  
**US Election Assistance Commission Project Budget (3/22/05)**

Description	Budget	
<b>Personnel</b>		
Eagleton faculty/senior staff	35,000	Mandel, Weingart, Reed, Linky (various percentages)
Eagleton staff: logistics/administrative/clerical	15,000	(various percentages)
Fringe (32.5%)	16,250	
	<b>66,250</b>	
<b>Hourly Personnel</b>		
Research Coordinator	21,250	1250 hours at \$17 per hour
Logistics/Admin Coordinator	12,325	725 hours at \$17 per hour
Research assistants	7,200	300 hours at \$12 per hour for two researchers
Fringe on Hourly (9%)	3,670	
	<b>44,445</b>	
<b>Subtotal Personnel Expenses</b>		
	<b>\$110,695</b>	
<b>Honoraria</b>		
Honoraria for Peer Review Group	10,000	10 at \$1,000
<b>Public Hearings (3 in 3 cities)</b>		
Public Hearings	75,000	3 hearings at \$25K per EAC figures
2 Hearings in DC- train, ground, lodging, meals*	3,480	attended by 3 staff
1 Hearings in St. Louis- air, ground, lodging, meals**	2,640	attended by 3 staff
	<b>81,120</b>	
<b>Briefings/Meetings with EAC</b>		
Train, ground, lodging, meals***	5,200	5 briefings in DC, attended by 2 staff
<b>General Operations</b>		
Office supplies, software, telephone, copying, postage	10,000	
Desktop computers, laptop, printer	10,000	
	<b>20,000</b>	
<b>Subcontract</b>		
Project Director- O'Neill	79,500	80% time April - Aug., 60% Sept. - Oct.
Ohio State University- Legal Analysis	84,744	Partner institution, Moritz College of Law, OSU
<b>Subtotal Non Personnel Expenses</b>		
	<b>\$280,564</b>	
<b>Subtotal All Direct Cost</b>		
	<b>391,259</b>	
Modified Total Direct Cost \$277,015****		
F&A on Modified Total Direct Cost (55.5%)	153,743	Rutgers University federally approved rate.
<b>TOTAL Project Budget</b>	<b>\$545,002</b>	
<b>Optional Surveys</b>		
State Election Officials	15,000	Eagleton
Young Voters	25,000	Eagleton
Provisional Voting, 1st state	116,000	OSU Political Science
Provisional Voting, 1st additional state	75,000	OSU Political Science
Provisional Voting, 2nd additional state	60,000	OSU Political Science
<b>Total Optional Surveys (no F&amp;A)</b>	<b>\$291,000</b>	

\* Travel and lodging to two hearings in DC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 per day for two days for meals= \$580 per person per trip for three people.

\*\* Travel and lodging to one hearing in St. Louis includes \$500 airfare to St. Louis, 2 nights hotel/lodging at \$100, and \$60 per day for three days for meals= \$880 per person for three people.

\*\*\* Travel and lodging to five Briefings/Meetings with EAC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 for meals= \$520 per person per trip for two people.

\*\*\*\* Modified total direct cost is equivalent to total direct cost except for two items - F&A included only on first \$25K of subcontract with Project Director (\$79,500) and first \$25K of subcontract with OSU (\$84,744).

013392

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 11:44 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: No Cost Extension Request

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:43 AM -----



"John Weingart"  
<john.weingart@rutgers.edu>  
01/13/2006 01:15 PM  
Please respond to  
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>  
cc "Lucy Baruch" <baruch@rci.rutgers.edu>  
Subject No Cost Extension Request

Karen - I am attaching a spreadsheet providing the information you have requested (Attachment 1), but I want to highlight a few points which may not be immediately self-evident.

First, the original budget (Attachment 2) we submitted to the EAC, dated March 22<sup>nd</sup>, did not itemize personnel expenses by each person. In addition, when we actually began work two months after submitting that budget, we decided to reallocate more time to people within Eagleton and hire fewer outside hourlies.

Second, in the figures I sent you in late December we tried to account for all the expenses and projections but overlooked a few things including neglecting to include the honoraria for our peer review team. Hence, the figures we're now sending are different than what I sent in December.

Lastly, we originally discussed a no-cost extension through February, but since we don't yet have the EAC comments on our draft Provisional Voting material nor an estimate of when they are likely to be ready, I think it is prudent to extend the no-cost extension through March 31<sup>st</sup>. We would still like to conclude by the end of February, but if you can approve the extension for another month we could avoid going through this process again if everything is not complete six weeks from now.

It is my understanding that Rutgers will soon be sending our December invoice. At this time, I would also like to request that we combine January and February an invoice the EAC once for that time period.

As you can see, we are currently projecting an ending balance of approximately \$10,000. If additional expenses are incurred beyond what is currently projected, we're confident they will not exceed the original budget of \$560,002.

Thanks and I look forward to hearing from you.

013393

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

013304

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 11:44 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: No Cost Extension Request

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:42 AM -----



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

To klynndyson@eac.gov

11/30/2005 04:47 PM

cc "Tom O'Neill" [REDACTED]

Please respond to  
john.weingart@rutgers.edu

Subject No Cost Extension Request



Extension Justification.doc Karen - I am attaching the documentation for our request.  
Please let me  
know if you require the material in a different format and/or further  
information.

Thanks very much, John

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

klynndyson@eac.gov wrote:

>  
> John-  
>  
> Thanks ever so much for forwarding this message on to Connie.  
>  
> I'm awaiting your language describing why you are requiring a no-cost  
> extension on the contract, and for what period of time you wish to  
> extend the contract.  
>  
> I'm told this is a very simple process on this end, and I've prepared  
> the necessary form and a memo.  
>  
> Karen Lynn-Dyson  
> Research Manager  
> U.S. Election Assistance Commission  
> 1225 New York Avenue , NW Suite 1100

013395

## **EAGLETON INSTITUTE OF POLITICS**

### **Request to the U.S. Election Assistance Commission for a No-Cost Extension and Reallocation of Funds**

November 30, 2005

#### **Why we need a no -cost extension**

The original work schedule called for EAC to publish in mid-October voluntary guidance and/or recommended best practices for provisional voting based on our research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication. The draft was complete in August, but the EAC's schedule did not permit us to brief the commissioners and staff until early September. We did not receive EAC comments until October, making it impossible to complete the work on the original schedule. Taking account of those comments and guidance from EAC required several weeks. The EAC did not receive our final draft report and recommendations for best practices until late November. We are now awaiting the EAC's comments on that final draft, which we have been told to expect in January.

The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report on that topic will be submitted to the EAC in mid January.

Because the EAC has decided to issue recommendations for best practices on these topics, rather than voluntary guidance, we will finish the work within two months of the original completion date since the adoption process will be shorter. Note that meeting this schedule is dependent on the time needed by the EAC to review our work.

This extension will entail additional personnel time but, since no public hearings on "best practices" are required, if the EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work.

#### **When will work be completed and funds fully expended?**

As shown on the attached schedule, work on this contract will be completed in three phases. The EAC will receive our final report and recommendations for best practices in provisional voting during the week of January 23, 2006 (assuming that we receive the EAC's comments on the draft report submitted on November 28 by January 9).

We will submit our draft report, alternative approaches, and compendium of statutes, regulations, and litigation on Voter Identification Issues during the week of January 16, 2006. If the EAC is able to return comments to us no later than the week of January 30, we will have submit the final report and recommendations for best practices on Voter Identification to the EAC during the week of February 13.

The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$399,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project.

013396

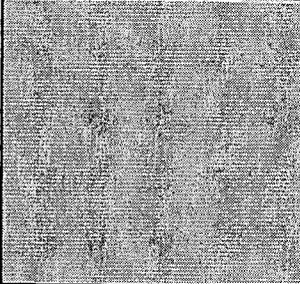
REVISED SCHEDULE FOR  
 November 2005 - February 2006  
 November 10, 2005  
 Assumes no guidance document, only analysis and recommended best practices

DATE	Project Management	Provisional Voting	Voter ID
Week of 10/31		Review draft report to EAC (Team)  Submit comments on report (Team)	Voter ID Research to TV
Week of 11/7	Status reports to JD for October tasks (all)	Redraft report (TON)  Review and approve report (Team)  Final draft report (TON)	Research continues (TV)
Week of 11/14	Submit monthly progress report (JD)	Submit report to Project Team for comments (TON)	Research continues (TV)

013397

Week of 11/21		Project team comments received  Submit report to EAC for review and to PRG for information (TON, JW)	Complete data collection for Voter ID analysis. (TV)
Week of 11/28		EAC review	Draft report on Voter ID analysis (TV)
Week of 12/5	Status reports to JD for November tasks (all)	EAC review	Internal review (PT)
Week of 12/12	Submit monthly progress report (JD)	EAC review	Revise draft (TV) Draft alternatives (TON) Review and comment on alternatives (PT)
Week of 12/19		EAC review	Complete draft report and alternatives (TV, TON)
Week of 12/26		EAC review	Review draft report and alternatives (PT)

Week of 1/2/06	Status reports to JD for December tasks (all)	EAC review	Report and alternatives to PRG for review
Week of 1/9/06		Receive comments from EAC and revise report as needed	PRG meets and comments  Revise (TV & TON)
Week of 1/16/06	Submit monthly progress report (JD)	Project team reviews and approves revised report	Submit draft report, alternatives and compendium to EAC  EAC reviews
Week of 1/23/06		Finalize analysis and best practices and submit to EAC for publication and further action as appropriate	EAC review continues
Week of 1/30/06			Comments from EAC  Revise (TV & TON)

Week of 2/6/06	Status reports to JD for January tasks (all)		Review and approve revised report and recommendations for best practices (PT)
Week of 2/13/06	Submit monthly progress report (JD)		Submit report and best practices to EAC for publication and further action as appropriate
Week of 2/20/06	<p>FINAL status reports to JD for all tasks (all)</p> <p>Final project and fiscal report to EAC</p> <p>PROJECT ENDS</p>		

013400

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 11:54 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: No-Cost Extension Request

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:52 AM -----

Tamar Nedzar/EAC/GOV  
04/21/2006 03:30 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
Subject Fw: No-Cost Extension Request

Ooops. Here's the attachment.

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
[TNedzar@eac.gov](mailto:TNedzar@eac.gov)



Rutgers Memo.tif

----- Forwarded by Tamar Nedzar/EAC/GOV on 04/21/2006 03:28 PM -----

Tamar Nedzar/EAC/GOV  
04/21/2006 03:13 PM

To Karen Lynn-Dyson/EAC/GOV  
cc  
Subject Re: No-Cost Extension Request 

Hey Karen,

Once John signs and faxes back the document, we need to get it to Tom with the memo to file (attached) for his signature. I believe that is all we need to do for the no-cost modification.

Thanks,

Tamar Nedzar  
Law Clerk

013401

U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov  
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

04/21/2006 10:10 AM

To john.weingart@rutgers.edu

cc "Tom O'Neill" <[REDACTED]>

Subject Re: No-Cost Extension Request 

Thanks, John.

I'm passing this on to our legal staff , who will be preparing the documents.

Will let you know if I need additional information and/or clarification.

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

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



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

04/21/2006 09:52 AM

Please respond to  
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill" <[REDACTED]>

Subject No-Cost Extension Request

Karen - We are requesting a no-cost extension on the EAC contract to the Eagleton Institute of Politics at Rutgers University to have the contract's concluding date move from March 31, 2006 to June 30, 2006. As I indicated earlier, it would be very helpful if we could receive approval of this request no later than April 28th.

This extension is necessary to enable the following activities:

1. The EAC has informed us that it will assemble a panel of researchers the week of May 8th to review the Eagleton/Moritz draft background report on Voter Identification. The EAC wishes to supplement the review of this draft already conducted by the Peer Review Group called for in the contract. The Eagleton/Moritz research team, as well as at least some of the Peer Review Group will participate in the conference call or meeting of the

013402

EAC's reviewers;

2. Eagleton/Moritz will revise the draft Voter Identification report based upon comments made by the two sets of reviewers, and distribute the revised report to the EAC and its Advisory Board in mid-May.
3. Eagleton/Moritz will present its draft reports on Provisional Voting and Voter Identification to the EAC Advisory Board at its May 25th meeting in Washington, D.C.;
4. Eagleton/Moritz will revise both draft reports to take into account comments made by the EAC Advisory Board, and submit printed final reports to the EAC before June 23rd. Eagleton/Moritz will also prepare a PowerPoint presentation for both reports.
5. Eagleton/Moritz will present both reports at the EAC public meeting in Washington, D.C. on June 23rd, thus concluding its work under this contract.

Please let me know if you need any additional information.

Thanks,

John

--

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

013403

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 11:53 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject label this EAC Peer Review panel for Eagleton research study

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:51 AM -----



"Mike Alvarez"  
<rma@hss.caltech.edu>  
04/05/2006 07:39 PM

To klynndyson@eac.gov  
cc  
Subject

Hi -- nice to meet you in person, finally!

And thanks for inviting me to your gathering, I enjoyed it and hope I was helpful. Of course, any time you want anything, you do know where to track me down.

As to the potential reviewers of the Eagleton Voter ID study, here are my suggestions, in order:  
Jonathan Nagler, New York University  
Jan Leighley, University of Arizona  
Ben Highton, UC-Davis  
Adam Berinsky, MIT  
Bernard Grofman, UC-Irvine

All have worked with the CPS turnout/registration data, and are very familiar with this research literature.

If these don't work, or you want more recommendations, let me know.

--

\*\*\*\*\*  
R. Michael Alvarez (O)  
626-395-4089  
Professor of Political Science (F)  
626-405-9841  
Caltech/MIT Voting Technology Project  
California Institute of Technology  
Pasadena, CA 91125  
rma@hss.caltech.edu

Contributor to Election Updates,  
<http://electionupdates.caltech.edu/blog.html>

\*\*\*\*\*

013404



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

To: File  
From: Tamar Nedzar, Law Clerk  
Date: April 21, 2006  
Re: No-Cost Extension to contract number E4014127 with the Eagleton  
Institute of Politics at Rutgers University

---

**Background:**

Contract E4014127 with the Eagleton Institute of Politics at Rutgers University (“contractor”) was originally scheduled to be concluded on March 31, 2006. The contract’s final products include a report on Voter Identification and a report on Provisional Voting. The contractor has vetted the reports with a Peer Review Group, pursuant to the terms of the contract.

**Justification for No-Cost Extension:**

The EAC wishes to supplement the contractor’s Peer Review of the reports by adding another review process with some of the EAC’s key stakeholders. The EAC proposes to assemble a panel of researchers during the week of May 8<sup>th</sup> to conduct the second review.

Following the second review, the contractor will revise its draft reports based on the comments it receives. The contractor will present its draft reports on Provisional Voting and Voter Identification to the EAC Advisory Board at its May 25<sup>th</sup> meeting in Washington, DC. The contractor will revise both draft reports, taking into account the EAC’s Advisory Board’s comments and submit the final reports to the EAC toward the end of June.

**Recommendation:**

The EAC recommends that contract E4014127 be modified at no cost to allow the contractor to complete their work by June 30, 2006.

013405

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 11:41 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: New Peer Review Group Member

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:39 AM -----



"Tom O'Neill"

09/02/2005 04:48 PM

To tokaji.1@osu.edu, ireed@rutgers.edu,  
john.weingart@rutgers.edu, foley.33@osu.edu,  
rmandel@rci.rutgers.edu, rmandel@rci.rutgers.edu  
cc klyndyson@eac.gov

Subject New Peer Review Group Member

Tim O'Rourke, Dean of the Fulton School of Liberal Arts at Salisbury University in Maryland, has agreed to serve on the Peer Review Committee.

Tom O'Neill

013406

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 11:09 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Peer Review Group

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:07 AM -----



"Tom O'neill"



08/19/2005 02:20 PM

To klynndyson@eac.gov  
cc  
Subject Peer Review Group

Karen,

Attached is a report on the status of recruitment of members of the Peer Review Group. We extended 9 invitations. We have four confirmed members, one reluctant turn-down, one who has yet to respond to an initial inquiry, and are awaiting confirmation from 3 others who initially agreed. Please let me know if you need additional information.

Tom O'Neill



RecruitmentStatus.doc

013407

**STATUS OF PEER REVIEW GROUP RECRUITMENT**

(As of August 17, 2005)

<b>R. Michael Alvarez, Ph.D.</b> Professor of Political Science California Institute of Technology	<b>YES/CONFIRMED</b>
<b>Guy-Uriel Charles</b> Associate Professor, School of Law University of Minnesota 612-626-9154	<b>YES*</b>
<b>Brad Clark</b> Professor of Law George Washington University School of Law	<b>NO</b>
<b>Pamela Susan Karlan</b> Montgomery Professor of Public Interest Law Stanford Law School 650-725-4851	<b>YES</b>
<b>Martha E. Kropf, Ph.D.</b> Assistant Professor of Political Science University of Missouri-Kansas City 816-235-5948; KropfM@umkc.edu	<b>YES/CONFIRMED</b>
<b>Daniel H. Lowenstein</b> Professor of Law UCLA 310-825-4841	<b>YES</b>
<b>John F. Manning</b> Professor Harvard Law School	<b>NO RESPONSE</b>
<b>Tim Storey</b> Program Principal Legislative Management Program National Conference of State Legislatures	<b>YES/CONFIRMED</b>
<b>Peter G. Verniero, Esq.</b> Counsel Sills, Cummis, Epstein and Gross, PC (Former NJ Attorney General and Supreme Court Justice)	<b>YES/CONFIRMED</b>

---

013408

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 11:00 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc

Subject Fw: July 12 and Peer Review Group

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:58 AM -----



"Tom O'Neill"

~~cton~~

06/27/2005 09:52 AM

To klynndyson@eac.gov  
cc

Subject July 12 and Peer Review Group

Karen:

The Eagleton project team usually meets on Tuesdays from 9:30 -- 11. At tomorrow's meeting I'll confirm with the group that we will meet on July 12, if that will fit your schedule. If that is a bad time for you, we have moved our meeting time before and can do so again if we can align participants' calendars. This week for the first time, Laura Williams --representing Moritz-- will join the session by telephone. For the meeting on the 12th I'll try to arrange for Ned Foley and Dan Tokaji to participate as well.

#### On the Peer Review Group

Your request to include the election officials on the group caused us to think anew about its purpose and composition. We agreed that election officials would add a useful dose of real world experience to the research. One of them could be Peter Veniero, who as AG (where he served before appointment to our Supreme Court) was New Jersey's chief election official. We would like Tom Wilkey to suggest a couple of former, senior election officials who could contribute to the PRG's work. While the PRG needs the experience of election administrators, we believe that perspective can be conveyed best by a senior, former official who is not appointed to represent a group of such officials --only to represent him or herself. We believe the group's advice would be most useful if came from people with the perspective provided by now being some distance from the daily fray.

This analysis emerged from a Friday conference call in which Ingrid Reed, Ned Foley, Laura Williams and I rethought the composition of the PRG. We concluded that the group should not, after all, include members from organizations that have taken advocacy positions on the issues we are researching. We agreed that the PRG should focus on methodologies and research findings rather than debate policy outcomes. PRG members should be free to represent themselves, rather than argue from an existing institutional position on policy. The PRG is not an advisory committee or a group of stakeholders to vet and take some ownership of policy recommendations. We'll consult the stakeholders separately, beginning with the list of groups in the proposal.

To replace those from advocacy organizations, we believe it would be preferable to add more members from academia and the law, such as Pam Karlan, Guy-Uriel Charles, or Dan Lowenstein, whose CVs are summarized on the attachment. Finally, I will draft a mission statement for the PRG. Attached is a revised

013409

list of proposed PRG members, showing 2 slots to be filled by senior, former election officials.

Hope you have received the Gantt chart by now and that it fits your needs.

Ingrid Reed and I will attend the meeting in New York on Thursday and look forward to seeing you there.

Tom

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

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

**Sent:** Friday, June 24, 2005 6:36 PM

**To:** [REDACTED]

**Cc:** twilkey@eac.gov

**Subject:** RE: Peer Review Group

Tom-

I'd like to schedule a conference call among EAC and Eagleton staff for sometime the early part of the week of July 11. Please let me know dates and times on your end and I'll coordinate with staff here.

During the call we can review your monthly report and cover any problems, challenges, needs, etc. that the Eagleton team may have.

Thanks

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

\*Tom O'Neill [REDACTED]

06/23/2005 02:43 PM

To klynndyson@eac.gov

cc

Subject RE: Peer Review Group

Thanks, Karen.

013410

Tom

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

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

**Sent:** Thursday, June 23, 2005 2:24 PM

**To:** tom\_oneill@verizon.net

**Subject:** Re: Peer Review Group

Tom-

I will be back to you early next week with EAC's feedback on this.

Our initial reaction is that the group needs to include some local and/or state-level election officials, who have first-hand experience with these issues.

We will get you additional names and reactions by mid-week next week.

Thanks

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

"Tom O'Neill" 

06/22/2005 03:29 PM

To klynndyson@eac.gov  
cc  
Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and

013411

balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.



Tom PROPOSED MEMBERS OF PRGREV.doc

013412

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:59 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc

Subject Fw: Peer Review Group

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:57 AM -----



"Tom O'Neill"

[REDACTED]

06/22/2005 03:29 PM

To klynndyson@eac.gov  
cc

Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.

Tom



PROPOSED MEMBERS OF PEER REVIEW GROUP.doc

013413

## PROPOSED MEMBERS OF PEER REVIEW GROUP

### **R. Michael Alvarez, Ph.D.**

Professor of Political Science  
California Institute of Technology  
rma@hss.caltech.edu  
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College; his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

### **Deborah Goldberg, Ph.D**

Program Director, Democracy Program  
Brennan Center for Justice at NYU School of Law  
161 Avenue Of The Americas, 12th Floor  
New York, NY 10013  
212-998-6730

Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

### **Martha E. Kropf, Ph.D.**

Assistant Professor of Political Science  
University of Missouri-Kansas City  
816-235-5948; KropfM@umkc.edu

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

### **Wade Henderson, Esq.**

Executive Director  
Leadership Conference on Civil Rights  
1629 K Street, NW, 10<sup>th</sup> Floor  
Washington, DC 20006

Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU.

### **Kay Maxwell**

President  
League of Women Voters of the U.S.  
1730 M Street NW, Suite 1000

013414

Washington, DC 20036-4508  
202-429-1965

Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project.

**Tim Storey**

Program Principal  
Legislative Management Program  
National Conference of State Legislatures  
7700 East First Place  
Denver, CO 80230  
303-364-7700  
or  
444 North Capitol Street, N.W., Suite 515  
Washington, D.C. 20001  
202-624-5400

**Peter G. Verniero, Esq.**

Counsel  
Sills, Cummis, Epstein and Gross, PC  
One Riverfront Plaza  
Newark, New Jersey 07102  
Tel: 973- 643-7000

Verniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

013415

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:53 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Notification to Bidders

Electionline.org unsuccessful bidder de-brief.

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:51 AM -----



"Doug Chapin"  
<dchapin@electionline.org>  
06/06/2005 07:56 AM

To nmortellito@eac.gov  
cc cpaquette@eac.gov, klynndyson@eac.gov  
Subject RE: Notification to Bidders

Let's do the afternoon of June 16th. I'll pencil it in for 2pm but feel free to adjust to your schedule(s).

Thanks.

Doug Chapin

---

**From:** nmortellito@eac.gov [mailto:nmortellito@eac.gov]  
**Sent:** Friday, June 03, 2005 4:52 PM  
**To:** Doug Chapin  
**Cc:** cpaquette@eac.gov; klynndyson@eac.gov  
**Subject:** RE: Notification to Bidders

Mr Chapin:

Carol has time to do a debrief with you on the afternoon of the 15th, the afternoon of the 16th or any time on the 17th of June. Please advise as to your availability.

Regards,

Nicole K. Mortellito  
Assistant to the Interim Executive Director  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.3114 phone

013416

202.566.3127 fax

"Doug Chapin" <dchapin@electionline.org>

06/03/2005 02:21 PM

To cpaquette@eac.gov  
CC nmortellito@eac.gov  
Subject RE: Notification to Bidders

I would like a debrief on this procurement.

Doug Chapin  
Director, electionline.org

**From:** nmortellito@eac.gov [mailto:nmortellito@eac.gov]  
**Sent:** Friday, June 03, 2005 2:12 PM  
**To:** Doug Chapin  
**Subject:** Notification to Bidders

Notification to bidders

You are hereby advised that the U.S. Election Assistance Commission (EAC) has competitively awarded a contract to the Eagleton Institute of Politics at Rutgers, The State University of New Jersey for research assistance to support the development of guidance on the two topics of provisional voting and voter identification procedures. Eagleton is partnering with the Moritz College of Law of Ohio State University for this work effort. The amount of this award is \$560,002.

EAC appreciates the interest you have expressed in supporting our research agenda by submitting a proposal for this work. Should you wish to receive a de-brief on this procurement, please contact Carol A. Paquette, Interim Executive Director, by email at [cpaquette@eac.gov](mailto:cpaquette@eac.gov).

Regards,

Nicole K. Mortellito  
Assistant to the Interim Executive Director  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC

013417

202.566.3114 phone

202.566.3127 fax

013418

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:43 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Voter ID Paper --Final Draft

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:42 AM -----

Thomas R. Wilkey/EAC/GOV

04/28/2006 12:50 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
Subject Re: Voter ID Paper --Final Draft

Karen,  
Was this part of the contract. I thought their was a peer review group in place,

-----  
Sent from my BlackBerry Wireless Handheld  
Karen Lynn-Dyson

**From:** Karen Lynn-Dyson  
**Sent:** 04/28/2006 12:44 PM  
**To:** Tom O'neill" <tom\_oneill@verizon.net/@GSAEXTERNAL  
**Cc:** arapp@rci.rutgers.edu; davander@eden.rutgers.edu;  
dlinky@rci.rutgers.edu; foley.33@osu.edu; ireed@rutgers.edu; 'Johanna  
Dobrich'" <jdobrich@eden.rutgers.edu>; joharris@eden.rutgers.edu;  
john.weingart@rutgers.edu; lauracw@columbus.rr.com; rmandel@rci.rutgers.edu;  
Tim Vercellotti" <tim.vercellotti@rutgers.edu>; tokaji.1@osu.edu  
**Subject:** Re: Voter ID Paper --Final Draft

Tim, Tom, John, et.al--

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

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

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

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

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

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

013419

I anticipate that it will last approximately 90 minutes.

Regards-

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

013420

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:32 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Request for No-Cost Extension-corrected

This e-mail should be a part of the no -cost extension file and/or the financial file you create for the Eagleton contract.

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:29 AM -----



"John Weingart"  
<john.weingart@rutgers.edu>  
12/16/2005 01:25 PM

To klynndyson@eac.gov  
cc

Please respond to  
john.weingart@rutgers.edu

Subject Re: Request for No-Cost Extension-corrected

Karen - At this time, we anticipate reallocating funds primarily from the public hearings line item and spending approximately \$35,500 more than originally budgeted on personnel, \$23,250 more on the subcontract with Ohio State and \$20,250 more on consultants. There are other additional variances but they are not significant (e.g. less on honoraria, less on travel, and more on general operations such as phone expenses). Let me know if you need additional detail or information.

Thanks, John

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

klynndyson@eac.gov wrote:

>  
> John-  
>  
>  
> Quick question-  
>  
> How much money do you anticipate will be re-allocated from the  
> original line items outlined in the contract to other project costs?  
>

013421

> Thanks  
>  
> Karen Lynn-Dyson  
> Research Manager  
> U.S. Election Assistance Commission  
> 1225 New York Avenue , NW Suite 1100  
> Washington, DC 20005  
> tel:202-566-3123  
>  
>  
>  
> \*"John Weingart" <john.weingart@rutgers.edu>\*>  
> 11/30/2005 05:05 PM  
> Please respond to  
> john.weingart@rutgers.edu

>  
>  
> To  
> "Karen Lynn-Dyson" <klynndyson@eac.gov>  
> cc  
> "Tom O'Neill" [REDACTED]  
> Subject  
> Request for No-Cost Extension-corrected

>  
>  
>  
>  
>  
>  
>  
>  
>  
>  
>  
>  
> Karen - There were two typos on the copy I just sent. Please use the  
> attached instead. To minimize confusion, I dated this document December  
> 1st (the first one says November 30). Thanks, John  
>  
> --  
> -- John Weingart, Associate Director  
> Eagleton Institute of Politics  
> (732) 932-9384, x.290  
>  
>  
>

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:29 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Request for No-Cost Extension-corrected

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:27 AM -----



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

11/30/2005 05:05 PM

Please respond to  
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>  
cc "Tom O'Neill" [REDACTED]  
Subject Request for No-Cost Extension-corrected



ExtensionJustification.doc Karen - There were two typos on the copy I just sent. Please use the attached instead. To minimize confusion, I dated this document December 1st (the first one says November 30). Thanks, John

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

013423

## **EAGLETON INSTITUTE OF POLITICS**

### **Request to the U.S. Election Assistance Commission for a No-Cost Extension and Reallocation of Funds**

December 1, 2005

#### **Why we need a no -cost extension**

The original work schedule called for EAC to publish in mid-October voluntary guidance and/or recommended best practices for provisional voting based on our research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication. The draft was complete in August, but the EAC's schedule did not permit us to brief the commissioners and staff until early September. We did not receive EAC comments until October, making it impossible to complete the work on the original schedule. Taking account of those comments and guidance from EAC required several weeks. The EAC did not receive our final draft report and recommendations for best practices until late November. We are now awaiting the EAC's comments on that final draft, which we have been told to expect in January.

The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report on that topic will be submitted to the EAC in mid January.

Because the EAC has decided to issue recommendations for best practices on these topics, rather than voluntary guidance, we will finish the work within two months of the original completion date since the adoption process will be shorter. Note that meeting this schedule is dependent on the time needed by the EAC to review our work.

This extension will entail additional personnel time but, since no public hearings on "best practices" are required, if the EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work.

#### **When will work be completed and funds fully expended?**

As shown on the attached schedule, work on this contract will be completed in three phases. The EAC will receive our final report and recommendations for best practices in provisional voting during the week of January 23, 2006 (assuming that we receive the EAC's comments on the draft report submitted on November 28 by January 9).

We will submit our draft report, alternative approaches, and compendium of statutes, regulations, and litigation on Voter Identification Issues during the week of January 16, 2006. If the EAC is able to return comments to us no later than the week of January 30, we will have submit the final report and recommendations for best practices on Voter Identification to the EAC during the week of February 13.

The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$300,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project.

013424

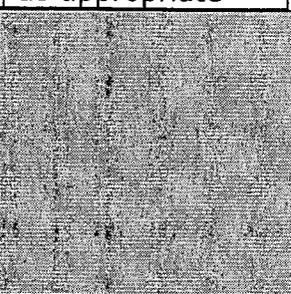
REVISED SCHEDULE FOR  
 November 2005 – February 2006  
 November 10, 2005  
 Assumes no guidance document, only analysis and recommended best practices

DATE	Project Management	Provisional Voting	Voter ID
Week of 10/31		Review draft report to EAC (Team)  Submit comments on report (Team)	Voter ID Research to TV
Week of 11/7	Status reports to JD for October tasks (all)	Redraft report (TON)  Review and approve report (Team)  Final draft report (TON)	Research continues (TV)
Week of 11/14	Submit monthly progress report (JD)	Submit report to Project Team for comments (TON)	Research continues (TV)

Week of 11/21		Project team comments received  Submit report to EAC for review and to PRG for information (TON, JW)	Complete data collection for Voter ID analysis. (TV)
Week of 11/28		EAC review	Draft report on Voter ID analysis (TV)
Week of 12/5	Status reports to JD for November tasks (all)	EAC review	Internal review (PT)
Week of 12/12	Submit monthly progress report (JD)	EAC review	Revise draft (TV)  Draft alternatives (TON)  Review and comment on alternatives (PT)
Week of 12/19		EAC review	Complete draft report and alternatives (TV, TON)
Week of 12/26		EAC review	Review draft report and alternatives (PT)

Week of 1/2/06	Status reports to JD for December tasks (all)	EAC review	Report and alternatives to PRG for review
Week of 1/9/06		Receive comments from EAC and revise report as needed	PRG meets and comments  Revise (TV & TON)
Week of 1/16/06	Submit monthly progress report (JD)	Project team reviews and approves revised report	Submit draft report, alternatives and compendium to EAC  EAC reviews
Week of 1/23/06		Finalize analysis and best practices and submit to EAC for publication and further action as appropriate	EAC review continues
Week of 1/30/06			Comments from EAC  Revise (TV & TON)

013427

Week of 2/6/06	Status reports to JD for January tasks (all)		Review and approve revised report and recommendations for best practices (PT)
Week of 2/13/06	Submit monthly progress report (JD)		Submit report and best practices to EAC for publication and further action as appropriate
Week of 2/20/06	<p>FINAL status reports to JD for all tasks (all)</p> <p>Final fiscal report/invoice to EAC 75 days later</p> <p>PROJECT ENDS</p>		

013428

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:22 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Peer Review Group

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:21 AM -----



"Tom O'Neill"

<[REDACTED]>

07/08/2005 03:41 PM

To "Paquette, Carol" <cpaquette@eac.gov>  
cc "Laura Williams" <lauracw@columbus.rr.com>, "Weingart, John" <john.weingart@rutgers.edu>, "reed, ingrid" <ireed@rutgers.edu>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>, "Lynn-Dyson, Karren" <klyndyson@eac.gov>, "Foley, Ned" <foley.33@osu.edu>  
Subject Peer Review Group

Carol,

After our discussion in New York, you asked me to put in writing our response to the EAC's suggestions for expanding the number and kinds of groups that would review and comment on our work. I hope after your review of this response, we will be able to quickly recruit a balanced Peer Review Group (PRG) and move ahead as the schedule in our work plan indicates. Attached is a revised list of the members we propose for appointment to the PRG. We will probably not be able to persuade all of them to serve, but the number and range of views included on the proposed list should ensure that the resulting group is well-balanced.

Tom

## **RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS**

### EAC's Recommendations for the PRG

Karen Lynn-Dyson reported this response from the EAC commissioners to our proposal for the composition of the PRG.

1. Not sufficient conservative representation on the PRG
2. Create a "tiered process" of review in which:
  - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.
  - B. PRG's analysis would be vetted by a defined/select group of local election officials.
  - C. A defined/select group of advocacy organizations would review the

013429

comments of the local election officials

D. Empanel a final focus group of local election officials, advocates and academics for an overall, interactive reaction to the analysis and recommendations.

#### Project Team Response

Creating three new committees to the review process to supplement the work of the Peer Review Group (PRG) is possible, but would add at least 8 weeks –and possibly 12 weeks-- to our completion of the guidance document on provisional voting. We believe this delay would risk limiting the value of this project for the 2006 election. In addition, the change would add at least \$30,000 to the cost of our work. (See the attached table showing the possible effect on our work plan, and note the optimistic assumptions such as the ability to hold a hearing the week after Christmas.) If the same groups were to be engaged in reviewing our work on Voter ID, the time for that work would also have to be stretched at a similar increased cost.

This additional cost and the added time might be worthwhile. . . if the new layers of review were to produce a consensus on how to strengthen the research, sharpen the analysis, and increase the relevance of the Guidance Document. Our team concluded, however, that additional review groups were unlikely to achieve these results.

#### PRG focuses on quality of research

We believe that our research would be strengthened by a balanced Peer Review Group that will focus on the design of the research and our conduct of it. Based on the EAC's recommendation, we have revised the composition of the PRG to include additional, well-recognized authorities in the field whose perspective is generally agreed to be conservative.

The PRG will focus on the strength of the research design and the quality of our analysis, not on the politics of our recommendations for the guidance document. The PRG will critique the research design and suggest how to strengthen it. Members of the group will review the quality of our analysis so that we can fill holes and correct errors before we make policy recommendations to the EAC. The PRG may or may not meet as a group. The likelihood is that most comments will come in writing from individual members, most of whose schedules would not permit attendance at meetings. In any case, the PRG members will not gather around a table to come to consensus on the study's recommendations.

While using the PRG as a forum to reach consensus on the knotty issues involved does not appear practical, the EAC can benefit from the work of other groups in this regard. It is not necessary for this project to duplicate the deliberative processes of the Carter-Baker Commission, the Century Foundation and the Election Center. The EAC itself as well as the project team can get the benefit of these reports without duplicating this "policy evaluation board" structure as part of this contract.

#### Project Team focuses on analysis and recommendations

Karen reported that the Commissioners believed that the PRG would "prepare a dispassionate analysis of the issues and draw some tentative conclusions." As we see it, the PRG will neither analyze data nor draw conclusions, tentative or otherwise. Its members will review and comment on how the Project Team has designed and carried out the research. Analysis, conclusions and recommendations are the responsibility of the Project Team. We have all seen in the preface to books or articles a sentence or two that read something like this, "The author

013430

thanks Mr. X, Ms. Y, and Dr. Z for their review and comment on the manuscript. Their analysis has strengthened the work, but they are in no way responsible for errors or for my conclusions." That is the way we think about the Peer Review Group.

In short, the PRG will help ensure that EAC's Guidance Document is founded on a solid base of data and analysis. The review and comment on the Preliminary Guidance Document by the EAC's Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a "defined/select" group we might empanel. Any group we define will be open to criticism or charges of bias by representatives of interest groups not represented.

The criticism and charges of bias might be tolerable, but only if we could expect consensus from the "defined/select" group we would appoint. We believe that consensus would be elusive. In empanelling a "defined/select" group, we would naturally look for balance and would appoint members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

#### Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the Guidance Document. We plan, of course, to respond to the EAC's comments on our preliminary draft, so that the EAC's comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.



PROPOSED MEMBERSJuly6.doc

013431

**REVISED  
PROPOSED MEMBERS OF PEER REVIEW GROUP**  
July 6, 2005

**Role of the Peer Review Group**

Members of the Peer Review Group will review the research design for the project, including the survey of local election officials, the analysis of Voter ID regime on turnout, the state-by-state narrative of developments in provisional voting and voter identification, and the compilation and analysis of statutes, administrative regulations, and case law affecting provisional voting and voter identification. They will also review the report on Analysis and Alternatives. They may review the draft of the Preliminary Guidance Document before it goes to the Board of Advisors for comment.

Members of the group will be respected authorities in their fields and represent a range of opinions and perspectives, although their views on policy will be less important to the study than their views on the quality of the research on which policy recommendations are based.

Ideally, the group would meet once, but even that may not be possible to arrange given the tight time period for the project, the demanding schedules of the members, and their wide dispersal across the county. They will function largely by reviewing written work and making written comments on it. The timing of their involvement is indicated on the work plan.

**R. Michael Alvarez, Ph.D.**

Professor of Political Science  
California Institute of Technology  
rma@hss.caltech.edu  
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College, his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

**Guy-Uriel E. Charles**

Associate Professor  
School of Law  
University of Minnesota  
342 Mondale Hall  
229-19th Avenue South  
Minneapolis, MN 55455  
612-626-9154  
gcharles@umn.edu

Charles teaches and writes on election law, law and politics, and race. He received his B.A. degree in Political Science, cum laude from Spring Arbor University and his J.D. from the University of Michigan Law School, where he was Editor-in-Chief of the Michigan Journal of Race & Law. He is completing a PhD in political science from the University of Michigan.

013432

**Brad Clark**

Professor of Law  
George Washington University School of Law

Clark received his B.A. in Political Science from Florida State University and his J.D. from Columbia Law School in 1985. He served as a law clerk to the Judge Robert H. Bork on the US Court of Appeals and went on to clerk for Justice Antonin Scalia on the Supreme Court. He has been on the faculty at George Washington University Law School for 12 years, where he has taught Constitutional Law, Federal Courts, and Civil Procedure.

**Pamela Susan Karlan**

Montgomery Professor of Public Interest Law  
Stanford Law School  
559 Nathan Abbott Way  
Stanford, CA 94305-8610  
(650) 725-4851  
karlan@stanford.edu

Formatted

Karlan's principal subjects include legal regulation of the political process. She earned her BA, MA, and JD at Yale University, and was previously a Professor at the University of Virginia. She serves on the California Fair Political Practices Commission and is a Cooperating Attorney with the NAACP Legal Defense and Education Fund. She has also been a lecturer at the FBI National Academy. Among her publications, she is a co-author of When Elections Go Bad: The Law of Democracy and the Presidential Election of 2000.

**Martha E. Kropf, Ph.D.**

Assistant Professor of Political Science  
University of Missouri-Kansas City  
816-235-5948; KropfM@umkc.edu

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

Deleted: Deborah Goldberg, Ph.D. Program Director, Democracy Program. Brennan Center for Justice at NYU School of Law. 161 Avenue Of The Americas, 12th Floor. New York, NY 10013. 212-998-6730. Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

**Daniel H. Lowenstein**

Professor of Law  
School of Law  
University of California, Los Angeles  
Box 951476  
Los Angeles, CA 90095-1476  
(310) 825-4841

Among other courses, Lowenstein teaches Election Law. His textbook, *Election Law* has become a standard in the field. He earned his A.B. at Yale and his LL.B. at Harvard. While working for California's Secretary of State he was the main drafter of the *Political Reform Act* in 1971. He was the first chair of the Fair Political Practices Commission. He has served on the national governing board of Common Cause. He has written on such topics as campaign finance, redistricting, bribery, initiative elections, and political parties.

**John F. Manning**

Professor  
Harvard Law School

013433

Now at Harvard, Manning was appointed Assistant Attorney General for the Office of Legal Counsel by President Bush in 2001. He had been Professor of Law at Columbia Law School. Had had served as Assistant to the Solicitor General of the United States and was an Attorney-Adviser in the Office of Legal Counsel at the Department of Justice during the administrations of President George H. W. Bush and President Reagan. He is a graduate of Harvard College and Harvard Law School.

**Tim Storey**

Program Principal  
Legislative Management Program  
National Conference of State Legislatures  
7700 East First Place  
Denver, CO 80230  
303-364-7700  
or  
444 North Capitol Street, N.W., Suite 515  
Washington, D.C. 20001  
202-624-5400

**Peter G. Veniero, Esq.**

Counsel  
Sills, Cummis, Epstein and Gross, PC  
One Riverfront Plaza  
Newark, New Jersey 07102  
Tel: 973- 643-7000

Verniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

**Plus one or two former, senior election officials to be suggested by the EAC**

**Deleted: Wade Henderson, Esq.**¶  
Executive Director¶  
Leadership Conference on Civil Rights ¶  
1629 K Street, NW, 10<sup>th</sup> Floor¶  
Washington, DC 20006¶  
Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU. ¶

¶  
**Kay Maxwell**¶  
President¶  
League of Women Voters of the U.S.¶  
1730 M Street NW, Suite 1000¶  
Washington, DC 20036-4508 ¶  
202-429-1965¶

Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project. ¶

**Deleted:** ¶

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 11:53 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc

Subject label this EAC Peer Review panel for Eagleton research study

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:51 AM -----



"Mike Alvarez"  
<rma@hss.caltech.edu>  
04/05/2006 07:39 PM

To klynndyson@eac.gov  
cc  
Subject

Hi -- nice to meet you in person, finally!

And thanks for inviting me to your gathering, I enjoyed it and hope I was helpful. Of course, any time you want anything, you do know where to track me down.

As to the potential reviewers of the Eagleton Voter ID study, here are my suggestions, in order:  
Jonathan Nagler, New York University  
Jan Leighley, University of Arizona  
Ben Highton, UC-Davis  
Adam Berinsky, MIT  
Bernard Grofman, UC-Irvine

All have worked with the CPS turnout/registration data, and are very familiar with this research literature.

If these don't work, or you want more recommendations, let me know.

--

\*\*\*\*\*  
R. Michael Alvarez (O)  
626-395-4089  
Professor of Political Science (F)  
626-405-9841  
Caltech/MIT Voting Technology Project  
California Institute of Technology  
Pasadena, CA 91125  
rma@hss.caltech.edu

Contributor to Election Updates,  
<http://electionupdates.caltech.edu/blog.html>

\*\*\*\*\*

013435

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 11:45 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Please provide me with a hard copy of the Eagleton cost proposal, when you can

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:43 AM -----



Nicole  
Mortellito/CONTRACTOR/EA  
C/GOV  
01/20/2006 02:01 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
Subject Re: Please provide me with a hard copy of the Eagleton cost proposal, when you can 



EAC Eagleton Institute Budget 3-22-05-1.xls

Regards,

Nicole K. Mortellito  
Special Projects  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.2209 phone  
202.566.3128 fax  
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV  
01/20/2006 12:54 PM

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC  
cc  
Subject Please provide me with a hard copy of the Eagleton cost proposal, when you can

Thanks

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

013438

**Eagleton Institute of Politics, Rutgers The State University of New Jersey**  
**US Election Assistance Commission Project Budget (3/22/05)**

Description	Budget	
<b>Personnel</b>		
Eagleton faculty/senior staff	35,000	Mandel, Weingart, Reed, Linky (various percentages)
Eagleton staff: logistics/administrative/clerical	15,000	(various percentages)
Fringe (32.5%)	16,250	
	<b>66,250</b>	
<b>Hourly Personnel</b>		
Research Coordinator	21,250	1250 hours at \$17 per hour
Logistics/Admin Coordinator	12,325	725 hours at \$17 per hour
Research assistants	7,200	300 hours at \$12 per hour for two researchers
Fringe on Hourly (9%)	3,670	
	<b>44,445</b>	
<b>Subtotal Personnel Expenses</b>		
	<b>\$110,695</b>	
<b>Honoraria</b>		
Honoraria for Peer Review Group	10,000	10 at \$1,000
<b>Public Hearings (3 in 3 cities)</b>		
Public Hearings	75,000	3 hearings at \$25K per EAC figures
2 Hearings in DC- train, ground, lodging, meals*	3,480	attended by 3 staff
1 Hearings in St. Louis- air, ground, lodging, meals**	2,640	attended by 3 staff
	<b>81,120</b>	
<b>Briefings/Meetings with EAC</b>		
Train, ground, lodging, meals***	5,200	5 briefings in DC, attended by 2 staff
<b>General Operations</b>		
Office supplies, software, telephone, copying, postage	10,000	
Desktop computers, laptop, printer	10,000	
	<b>20,000</b>	
<b>Subcontract</b>		
Project Director- O'Neill	79,500	80% time April – Aug., 60% Sept. – Oct.
Ohio State University- Legal Analysis	84,744	Partner institution, Moritz College of Law, OSU
<b>Subtotal Non Personnel Expenses</b>		
	<b>\$280,564</b>	
<b>Subtotal All Direct Cost</b>		
	<b>391,259</b>	
Modified Total Direct Cost \$277,015****		
F&A on Modified Total Direct Cost (55.5%)	153,743	Rutgers University federally approved rate.
<b>TOTAL Project Budget</b>	<b>\$545,002</b>	
<b>Optional Surveys</b>		
State Election Officials	15,000	Eagleton
Young Voters	25,000	Eagleton
Provisional Voting, 1st state	116,000	OSU Political Science
Provisional Voting, 1st additional state	75,000	OSU Political Science
Provisional Voting, 2nd additional state	60,000	OSU Political Science
<b>Total Optional Surveys (no F&amp;A)</b>	<b>\$291,000</b>	

\* Travel and lodging to two hearings in DC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 per day for two days for meals= \$580 per person per trip for three people.

\*\* Travel and lodging to one hearing in St. Louis includes \$500 airfare to St. Louis, 2 nights hotel/lodging at \$100, and \$60 per day for three days for meals= \$880 per person for three people.

\*\*\* Travel and lodging to five Briefings/Meetings with EAC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 for meals= \$520 per person per trip for two people.

\*\*\*\* Modified total direct cost is equivalent to total direct cost except for two items - F&A included only on first \$25K of subcontract with Project Director (\$79,500) and first \$25K of subcontract with OSU (\$84,744).

013437

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 11:44 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: No Cost Extension Request

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:42 AM -----



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

To klynndyson@eac.gov

11/30/2005 04:47 PM

cc "Tom O'Neill" <Tom.O'Neill@eac.gov>

Please respond to  
john.weingart@rutgers.edu

Subject No Cost Extension Request



Extension Justification.doc Karen - I am attaching the documentation for our request.  
Please let me  
know if you require the material in a different format and/or further  
information.

Thanks very much, John

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

klynndyson@eac.gov wrote:

>  
> John-  
>  
> Thanks ever so much for forwarding this message on to Connie.  
>  
> I'm awaiting your language describing why you are requiring a no-cost  
> extension on the contract, and for what period of time you wish to  
> extend the contract.  
>  
> I'm told this is a very simple process on this end, and I've prepared  
> the necessary form and a memo.  
>  
> Karen Lynn-Dyson  
> Research Manager  
> U.S. Election Assistance Commission  
> 1225 New York Avenue , NW Suite 1100

013498

> Washington, DC 20005  
> tel:202-566-3123

013439

## **EAGLETON INSTITUTE OF POLITICS**

### **Request to the U.S. Election Assistance Commission for a No-Cost Extension and Reallocation of Funds**

November 30, 2005

#### **Why we need a no -cost extension**

The original work schedule called for EAC to publish in mid-October voluntary guidance and/or recommended best practices for provisional voting based on our research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication. The draft was complete in August, but the EAC's schedule did not permit us to brief the commissioners and staff until early September. We did not receive EAC comments until October, making it impossible to complete the work on the original schedule. Taking account of those comments and guidance from EAC required several weeks. The EAC did not receive our final draft report and recommendations for best practices until late November. We are now awaiting the EAC's comments on that final draft, which we have been told to expect in January.

The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report on that topic will be submitted to the EAC in mid January.

Because the EAC has decided to issue recommendations for best practices on these topics, rather than voluntary guidance, we will finish the work within two months of the original completion date since the adoption process will be shorter. Note that meeting this schedule is dependent on the time needed by the EAC to review our work.

This extension will entail additional personnel time but, since no public hearings on "best practices" are required, if the EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work.

#### **When will work be completed and funds fully expended?**

As shown on the attached schedule, work on this contract will be completed in three phases. The EAC will receive our final report and recommendations for best practices in provisional voting during the week of January 23, 2006 (assuming that we receive the EAC's comments on the draft report submitted on November 28 by January 9).

We will submit our draft report, alternative approaches, and compendium of statutes, regulations, and litigation on Voter Identification Issues during the week of January 16, 2006. If the EAC is able to return comments to us no later than the week of January 30, we will have submit the final report and recommendations for best practices on Voter Identification to the EAC during the week of February 13.

The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$399,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project.

013440

REVISED SCHEDULE FOR  
 November 2005 – February 2006  
 November 10, 2005  
 Assumes no guidance document, only analysis and recommended best practices

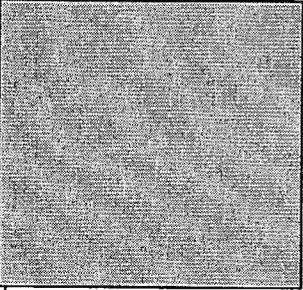
DATE	Project Management	Provisional Voting	Voter ID
Week of 10/31		Review draft report to EAC (Team)  Submit comments on report (Team)	Voter ID Research to TV
Week of 11/7	Status reports to JD for October tasks (all)	Redraft report (TON)  Review and approve report (Team)  Final draft report (TON)	Research continues (TV)
Week of 11/14	Submit monthly progress report (JD)	Submit report to Project Team for comments (TON)	Research continues (TV)

013441

Week of 11/21		Project team comments received  Submit report to EAC for review and to PRG for information (TON, JW)	Complete data collection for Voter ID analysis. (TV)
Week of 11/28		EAC review	Draft report on Voter ID analysis (TV)
Week of 12/5	Status reports to JD for November tasks (all)	EAC review	Internal review (PT)
Week of 12/12	Submit monthly progress report (JD)	EAC review	Revise draft (TV) Draft alternatives (TON) Review and comment on alternatives (PT)
Week of 12/19		EAC review	Complete draft report and alternatives (TV, TON)
Week of 12/26		EAC review	Review draft report and alternatives (PT)

Week of 1/2/06	Status reports to JD for December tasks (all)	EAC review	Report and alternatives to PRG for review
Week of 1/9/06		Receive comments from EAC and revise report as needed	PRG meets and comments  Revise (TV & TON)
Week of 1/16/06	Submit monthly progress report (JD)	Project team reviews and approves revised report	Submit draft report, alternatives and compendium to EAC  EAC reviews
Week of 1/23/06		Finalize analysis and best practices and submit to EAC for publication and further action as appropriate	EAC review continues
Week of 1/30/06			Comments from EAC  Revise (TV & TON)

013443

Week of 2/6/06	Status reports to JD for January tasks (all)		Review and approve revised report and recommendations for best practices (PT)
Week of 2/13/06	Submit monthly progress report (JD)		Submit report and best practices to EAC for publication and further action as appropriate
Week of 2/20/06	<p>FINAL status reports to JD for all tasks (all)</p> <p>Final project and fiscal report to EAC</p> <p>PROJECT ENDS</p>		

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 11:41 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: New Peer Review Group Member

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:39 AM -----



"Tom O'Neill"

~~XXXXXXXXXX~~

09/02/2005 04:48 PM

To tokaji.1@osu.edu, ireed@rutgers.edu,  
john.weingart@rutgers.edu, foley.33@osu.edu,  
rmandel@rci.rutgers.edu, rmandel@rci.rutgers.edu  
cc klynndyson@eac.gov  
Subject New Peer Review Group Member

Tim O'Rourke, Dean of the Fulton School of Liberal Arts at Salisbury University in Maryland, has agreed to serve on the Peer Review Committee.

Tom O'Neill

013445

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 11:09 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Peer Review Group

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:07 AM -----



"Tom O'Neill"

[REDACTED]

08/19/2005 02:20 PM

To klynndyson@eac.gov  
cc  
Subject Peer Review Group

Karen,

Attached is a report on the status of recruitment of members of the Peer Review Group. We extended 9 invitations. We have four confirmed members, one reluctant turn-down, one who has yet to respond to an initial inquiry, and are awaiting confirmation from 3 others who initially agreed. Please let me know if you need additional information.

Tom O'Neill



RecruitmentStatus.doc

013446

**STATUS OF PEER REVIEW GROUP RECRUITMENT**

(As of August 17, 2005)

<b>R. Michael Alvarez, Ph.D.</b> Professor of Political Science California Institute of Technology	<b>YES/CONFIRMED</b>
<b>Guy-Uriel Charles</b> Associate Professor, School of Law University of Minnesota 612-626-9154	<b>YES</b>
<b>Brad Clark</b> Professor of Law George Washington University School of Law	<b>NO</b>
<b>Pamela Susan Karlan</b> Montgomery Professor of Public Interest Law Stanford Law School 650-725-4851	<b>YES</b>
<b>Martha E. Kropf, Ph.D.</b> Assistant Professor of Political Science University of Missouri-Kansas City 816-235-5948; KropfM@umkc.edu	<b>YES/CONFIRMED</b>
<b>Daniel H. Lowenstein</b> Professor of Law UCLA 310-825-4841	<b>YES</b>
<b>John F. Manning</b> Professor Harvard Law School	<b>NO RESPONSE</b>
<b>Tim Storey</b> Program Principal Legislative Management Program National Conference of State Legislatures	<b>YES/CONFIRMED</b>
<b>Peter G. Verniero, Esq.</b> Counsel Sills, Cummis, Epstein and Gross, PC (Former NJ Attorney General and Supreme Court Justice)	<b>YES/CONFIRMED</b>

---

013447

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 11:04 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc

Subject Fw: Survey Cover Letter and Questionnaire

This is an important e-mail ( for audit purposes) related to the large survey of election officials which Eagleton did.

By law, the EAC could not do this survey without going through a lengthy OMB approval process. Eagleton was free to do this survey as long as it was for their clarification purposes and they did not seek our advice on the survey.

K

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:59 AM -----



"Tom O'Neill"

~~tom.o'neill@american.net~~  
07/07/2005 11:19 AM

To klynndyson@eac.gov  
cc

Subject Re: Survey Cover Letter and Questionnaire

Karen,

We share the understanding expressed below. Attached is the revised cover letter to local election officials.

Thanks,

Tom

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

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

**To:** ~~tom.o'neill@american.net~~

**Cc:** [cpaquette@eac.gov](mailto:cpaquette@eac.gov)

**Sent:** Thursday, July 07, 2005 11:14 AM

**Subject:** Re: Survey Cover Letter and Questionnaire

Tom-

A review of the EAC's Statement of Work for Research Assistance to develop Voluntary Guidance on

013448

Provisional Voting and Voting Identification procedures, does not require that a survey of the elections community, regarding their experiences with provisional voting or voter identification be conducted. Therefore, the EAC is not required to review or approve such a survey.

Should Eagleton elect to conduct such a survey to further educate and inform their work on these topics, they may conduct such a survey on their behalf only.

Regards-

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

"Tom O'Neill" [REDACTED]

07/06/2005 11:11 AM

To klyndyson@eac.gov  
cc

Subject Survey Cover Letter and Questionnaire

Karen,

Attached are the two documents we just discussed. The cover letter will go to 2800+ election officials around the country. It alerts the recipients that they may be called to participate in a survey as a part of our research for the EAC. The survey will, in fact, interview only 400 of the local election officials, but notifying them all is necessary because the selection of those called will be random, and, if the surveyors cannot reach the first county drawn for the sample, they will move on to the next. The need to have your review of the letter is the most urgent. Unless it goes to SBRI, the survey firm that will make the actual calls, today, we will fall behind an already tight schedule.

The questionnaire would also benefit from your review. As you know, question wording is an art. A good question elicits the information sought without biasing the response. Your review, however, can help ensure that the survey elicits information that EAC will find useful. We will rely on the results to draw conclusions about provisional voting as experienced by county-level election officials. It inquires about the quality and timeliness of information and training they may have received from state-level officials and about the information and training that they, in turn, passed on to poll workers. I don't believe this information is available anywhere else. We are over-sampling officials in states that did not offer provisional ballots before 2004 so that we can draw some inferences about the difference between their experience and the experience of officials for whom provisional voting was more familiar. These inferences may provide helpful in shaping the guidance the EAC offers the states for the 2006 election.

013443

Your comments on the questionnaire are also needed urgently, but I believe we can hold SBRI at bay on this document until tomorrow.

As I mentioned, my computer died on Monday, so I have only sporadic access to email. I will have access until about 2 today and then won't be back on-line until early evening. You can always reach me by phone at [REDACTED]. If you would like to send a fax, that number is [REDACTED].

Thanks,



Tom RevisedFinal cover letter 070607.doc

013450



**Deliberative Process  
Privilege**

Eagleton Institute of Politics  
191 Ryders Lane, New Brunswick NJ 08901

DATE

NAME

TITLE

ADDRESS

CITY STATE ZIP

Dear NAME,

Rutgers, The State University of New Jersey, is conducting a national survey of elections officials' experiences with provisional voting in the 2004 national election. Through this survey we will learn the perspective of those who administer elections. It will improve our understanding of the process as we complete a broad research project on provisional voting in the context of effective election administration, voter access, and ballot security. The findings of the project will be the basis for recommendations to the U. S. Election Assistance Commission (EAC) to consider in the development of its guidance to the states in 2006.

The EAC was established by the Help America Vote Act (HAVA) of 2002. It is an independent, bipartisan, federal agency that provides federal funds to states to upgrade voting systems and improve election administration. The EAC publishes voluntary guidelines for the states and serves as a national clearinghouse of information regarding election administration. The EAC is funding the research project.

Participants in this study will be selected randomly and asked to share their experiences administering the provisional voting process in the 2004 election. The study will be conducted July 18<sup>th</sup> through August 5<sup>th</sup>. During that period a survey researcher may call you if you are, in fact, chosen at random from a national list of election officials. The researcher will ask you questions about your experience with provisional voting, your evaluation of the process, and your recommendations to improve it. The survey will take approximately 10-15 minutes. All of your answers will be completely confidential, and no statement or comment you make will be ascribed to you.

At the conclusion of the research project, we will present a report to the EAC including analysis of provisional voting procedures as well as recommendations for future practices and procedures. The guidance document based on our research will be published by the EAC in the Federal Register for public review and comment, and the EAC will hold a hearing on the guidance document this fall before adopting it.

Your participation in the survey will assure that we understand the views of election officials who have direct experience with provisional voting. We hope you will participate if called. Thank you for your time.

Sincerely,

[scanned signature]

Ruth B. Mandel  
Director and Board of Governors Professor of Politics

013451

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 11:00 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: July 12 and Peer Review Group

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:58 AM -----



"Tom O'Neill"

~~tom.oneill@eac.gov~~  
06/27/2005 09:52 AM

To klynndyson@eac.gov  
cc

Subject July 12 and Peer Review Group

Karen:

The Eagleton project team usually meets on Tuesdays from 9:30 -- 11. At tomorrow's meeting I'll confirm with the group that we will meet on July 12, if that will fit your schedule. If that is a bad time for you, we have moved our meeting time before and can do so again if we can align participants' calendars. This week for the first time, Laura Williams --representing Moritz-- will join the session by telephone. For the meeting on the 12th I'll try to arrange for Ned Foley and Dan Tokaji to participate as well.

#### On the Peer Review Group

Your request to include the election officials on the group caused us to think anew about its purpose and composition. We agreed that election officials would add a useful dose of real world experience to the research. One of them could be Peter Veniero, who as AG (where he served before appointment to our Supreme Court) was New Jersey's chief election official. We would like Tom Wilkey to suggest a couple of former, senior election officials who could contribute to the PRG's work. While the PRG needs the experience of election administrators, we believe that perspective can be conveyed best by a senior, former official who is not appointed to represent a group of such officials --only to represent him or herself. We believe the group's advice would be most useful if came from people with the perspective provided by now being some distance from the daily fray.

This analysis emerged from a Friday conference call in which Ingrid Reed, Ned Foley, Laura Williams and I rethought the composition of the PRG. We concluded that the group should not, after all, include members from organizations that have taken advocacy positions on the issues we are researching. We agreed that the PRG should focus on methodologies and research findings rather than debate policy outcomes. PRG members should be free to represent themselves, rather than argue from an existing institutional position on policy. The PRG is not an advisory committee or a group of stakeholders to vet and take some ownership of policy recommendations. We'll consult the stakeholders separately, beginning with the list of groups in the proposal.

To replace those from advocacy organizations, we believe it would be preferable to add more members( from academia and the law, such as Pam Karlan, Guy-Uriel Charles, or Dan Lowenstein, whose CVs are summarized on the attachment. Finally, I will draft a mission statement for the PRG. Attached is a revised

013452

list of proposed PRG members, showing 2 slots to be filled by senior, former election officials.

Hope you have received the Gantt chart by now and that it fits your needs.

Ingrid Reed and I will attend the meeting in New York on Thursday and look forward to seeing you there.

Tom

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

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

**Sent:** Friday, June 24, 2005 6:36 PM

**To:** tom\_oneill@verizon.net

**Cc:** twilkey@eac.gov

**Subject:** RE: Peer Review Group

Tom-

I'd like to schedule a conference call among EAC and Eagleton staff for sometime the early part of the week of July 11. Please let me know dates and times on your end and I'll coordinate with staff here.

During the call we can review your monthly report and cover any problems, challenges, needs, etc. that the Eagleton team may have.

Thanks

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

"Tom O'Neill" [redacted]

06/23/2005 02:43 PM

To klynndyson@eac.gov

cc

Subject RE: Peer Review Group

Thanks, Karen.

013453

Tom

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

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

**Sent:** Thursday, June 23, 2005 2:24 PM

**To:** [REDACTED]

**Subject:** Re: Peer Review Group

Tom-

I will be back to you early next week with EAC's feedback on this.

Our initial reaction is that the group needs to include some local and/or state-level election officials, who have first-hand experience with these issues.

We will get you additional names and reactions by mid-week next week.

Thanks

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

"Tom O'Neill" [REDACTED]

06/22/2005 03:29 PM

To klynndyson@eac.gov

cc

Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and

013454

balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.



Tom PROPOSED MEMBERS OF PRGREV.doc

013455

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:59 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Peer Review Group

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:57 AM -----



:"Tom O'Neill"

06/22/2005 03:29 PM

To klynndyson@eac.gov  
cc  
Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.

Tom



PROPOSED MEMBERS OF PEER REVIEW GROUP.doc

013456

## PROPOSED MEMBERS OF PEER REVIEW GROUP

### **R. Michael Alvarez, Ph.D.**

Professor of Political Science  
California Institute of Technology  
rma@hss.caltech.edu  
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College; his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

### **Deborah Goldberg, Ph.D**

Program Director, Democracy Program  
Brennan Center for Justice at NYU School of Law  
161 Avenue Of The Americas, 12th Floor  
New York, NY 10013  
212-998-6730

Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

### **Martha E. Kropf, Ph.D.**

Assistant Professor of Political Science  
University of Missouri-Kansas City  
816-235-5948; KropfM@umkc.edu

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

### **Wade Henderson, Esq.**

Executive Director  
Leadership Conference on Civil Rights  
1629 K Street, NW, 10<sup>th</sup> Floor  
Washington, DC 20006

Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU.

### **Kay Maxwell**

President  
League of Women Voters of the U.S.  
1730 M Street NW, Suite 1000

013457

Washington, DC 20036-4508  
202-429-1965

Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project.

**Tim Storey**

Program Principal  
Legislative Management Program  
National Conference of State Legislatures  
7700 East First Place  
Denver, CO 80230  
303-364-7700  
or  
444 North Capitol Street, N.W., Suite 515  
Washington, D.C. 20001  
202-624-5400

**Peter G. Verniero, Esq.**

Counsel  
Sills, Cummis, Epstein and Gross, PC  
One Riverfront Plaza  
Newark, New Jersey 07102  
Tel: 973- 643-7000

Verniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

013458

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:49 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: project kickoff meeting with EAgleton Institute

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:47 AM -----

Carol A. Paquette/EAC/GOV  
05/17/2005 06:34 PM

To Gracia Hillman/EAC/GOV@EAC, Paul  
DeGregorio/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC  
cc Karen Lynn-Dyson/EAC/GOV@EAC, Jeannie  
Layson/EAC/GOV@EAC, Juliet E.  
Thompson/EAC/GOV@EAC, Sheila A.  
Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC  
Subject project kickoff meeting with EAgleton Institute

Commissioners -

We have tentatively scheduled May 26 at 2:30 for a kickoff meeting here with Eagleton Institute. What will happen at this meeting is Eagleton will introduce their key people and make a brief presentation on their approach to performing the provisional voting and voter ID studies. It will be an opportunity to ask questions, raise any concerns, and/or provide guidance as they begin this work. Please advise if you wish to attend this meeting. I expect it will last about an hour.

Carol A. Paquette  
Interim Executive Director  
U.S. Election Assistance Commission  
(202)566-3125 cpaquette@eac.gov

013459

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:43 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Voter ID Paper --Final Draft

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:42 AM -----

Thomas R. Wilkey/EAC/GOV  
04/28/2006 12:50 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
Subject Re: Voter ID Paper --Final Draft

Karen,  
Was this part of the contract. I thought their was a peer review group in place,

-----  
Sent from my BlackBerry Wireless Handheld  
Karen Lynn-Dyson

**From:** Karen Lynn-Dyson  
**Sent:** 04/28/2006 12:44 PM  
**To:** Tom O'Neill" [REDACTED]@GSAEXTERNAL  
**Cc:** arapp@rci.rutgers.edu; davander@eden.rutgers.edu;  
dlinky@rci.rutgers.edu; foley.33@osu.edu; ireed@rutgers.edu; 'Johanna  
Dobrich'" <jdobrich@eden.rutgers.edu>; joharris@eden.rutgers.edu;  
john.weingart@rutgers.edu; lauracw@columbus.rr.com; rmandel@rci.rutgers.edu;  
Tim Vercellotti" <tim.vercellotti@rutgers.edu>; tokaji.1@osu.edu  
**Subject:** Re: Voter ID Paper --Final Draft

Tim, Tom, John, et.al--

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

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

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

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

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

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

013480

I anticipate that it will last approximately 90 minutes.

Regards-

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

013461

Karen Lynn-Dyson/EAC/GOV  
07/06/2006 01:24 PM

To john.weingart@rutgers.edu  
cc "Lucy Baruch" <baruch@rci.rutgers.edu>, "Tom O'Neill"  
<Tom\_Oneill@verizon.net>  
bcc Darrell D. Lee/CONTRACTOR/EAC/GOV@EAC; Diana  
Scott/EAC/GOV@EAC; Bola Olu/EAC/GOV@EAC;  
wilkey@eac.gov; Bert A. Benavides/EAC/GOV@EAC  
Subject Re: Rutgers Contract Close

Thanks , John.

Indeed, with the receipt of the missing monthly reports, I believe we have all of the necessary contract deliverables.

The EAC anticipates receiving your final invoice for this contract prior to the conclusion of the Federal fiscal year which is September 30, 2006.

Regards-

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

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



"John Weingart"  
<john.weingart@rutgers.edu>  
07/06/2006 01:12 PM  
Please respond to  
john.weingart@rutgers.edu

To klynndyson@eac.gov  
cc "Lucy Baruch" <baruch@rci.rutgers.edu>, "Tom O'Neill"  
Subject Rutgers Contract Close

Karen - I am writing to summarize our phone conversation initiated by me yesterday in response to receipt of Tom Wilkey's June 29th letter. To close out the contract, we will do the following:

1. Prepare separate monthly reports for April, May and June which each briefly summarize our activities under the contract during that month. These reports, which will not include financial information, will be sent to you by email no later than July 24th.

2. Submit a final invoice for the project no later than September 16th, which is 75 days from the close of the contract rather than the 30 days specified in the June 29th letter. I am attaching our previously-submitted "December 1, 2005 Request for a No-Cost Extension" which noted, at the bottom of page 1, the need for a 75-day closeout period.

3. In my January 13, 2006 letter regarding our No-Cost Extension through February 28th (also attached), I had indicated that we expected to have a closing balance of approximately \$10,000. As we discussed

013462

yesterday, you appreciate that, with the subsequent No-Cost Extension through June 30th, we have spent the entire contract amount, and you expect us to submit invoices accordingly that will document our use of all remaining funds from the \$560,002 contract award.

Please let me know if I have left out any remaining tasks or you have a different interpretation of them. I trust you have by now received all our final work products that were FedExed to you late last week.

Thanks,

John

--

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



Extension Justification.doc NoCostExt011306.doc

013483

## **EAGLETON INSTITUTE OF POLITICS**

### **Request to the U.S. Election Assistance Commission for a No-Cost Extension and Reallocation of Funds**

December 1, 2005

#### **Why we need a no -cost extension**

The original work schedule called for EAC to publish in mid-October voluntary guidance and/or recommended best practices for provisional voting based on our research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication. The draft was complete in August, but the EAC's schedule did not permit us to brief the commissioners and staff until early September. We did not receive EAC comments until October, making it impossible to complete the work on the original schedule. Taking account of those comments and guidance from EAC required several weeks. The EAC did not receive our final draft report and recommendations for best practices until late November. We are now awaiting the EAC's comments on that final draft, which we have been told to expect in January.

The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report on that topic will be submitted to the EAC in mid January.

Because the EAC has decided to issue recommendations for best practices on these topics, rather than voluntary guidance, we will finish the work within two months of the original completion date since the adoption process will be shorter. Note that meeting this schedule is dependent on the time needed by the EAC to review our work.

This extension will entail additional personnel time but, since no public hearings on "best practices" are required, if the EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work.

#### **When will work be completed and funds fully expended?**

As shown on the attached schedule, work on this contract will be completed in three phases. The EAC will receive our final report and recommendations for best practices in provisional voting during the week of January 23, 2006 (assuming that we receive the EAC's comments on the draft report submitted on November 28 by January 9).

We will submit our draft report, alternative approaches, and compendium of statutes, regulations, and litigation on Voter Identification Issues during the week of January 16, 2006. If the EAC is able to return comments to us no later than the week of January 30, we will have submit the final report and recommendations for best practices on Voter Identification to the EAC during the week of February 13.

The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$300,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project.

013484

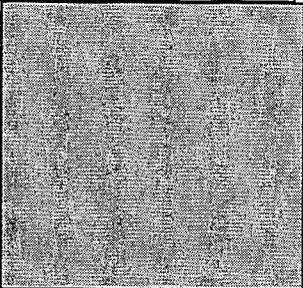
REVISED SCHEDULE FOR  
 November 2005 – February 2006  
 November 10, 2005  
 Assumes no guidance document, only analysis and recommended best practices

DATE	Project Management	Provisional Voting	Voter ID
Week of 10/31		Review draft report to EAC (Team)  Submit comments on report (Team)	Voter ID Research to TV
Week of 11/7	Status reports to JD for October tasks (all)	Redraft report (TON)  Review and approve report (Team)  Final draft report (TON)	Research continues (TV)
Week of 11/14	Submit monthly progress report (JD)	Submit report to Project Team for comments (TON)	Research continues (TV)

013465

Week of 11/21		Project team comments received  Submit report to EAC for review and to PRG for information (TON, JW)	Complete data collection for Voter ID analysis. (TV)
Week of 11/28		EAC review	Draft report on Voter ID analysis (TV)
Week of 12/5	Status reports to JD for November tasks (all)	EAC review	Internal review (PT)
Week of 12/12	Submit monthly progress report (JD)	EAC review	Revise draft (TV) Draft alternatives (TON) Review and comment on alternatives (PT)
Week of 12/19		EAC review	Complete draft report and alternatives (TV, TON)
Week of 12/26		EAC review	Review draft report and alternatives (PT)

Week of 1/2/06	Status reports to JD for December tasks (all)	EAC review	Report and alternatives to PRG for review
Week of 1/9/06		Receive comments from EAC and revise report as needed	PRG meets and comments  Revise (TV & TON)
Week of 1/16/06	Submit monthly progress report (JD)	Project team reviews and approves revised report	Submit draft report, alternatives and compendium to EAC  EAC reviews
Week of 1/23/06		Finalize analysis and best practices and submit to EAC for publication and further action as appropriate	EAC review continues
Week of 1/30/06			Comments from EAC  Revise (TV & TON)

Week of 2/6/06	Status reports to JD for January tasks (all)		Review and approve revised report and recommendations for best practices (PT)
Week of 2/13/06	Submit monthly progress report (JD)		Submit report and best practices to EAC for publication and further action as appropriate
Week of 2/20/06	<p>FINAL status reports to JD for all tasks (all)</p> <p>Final fiscal report/invoice to EAC 75 days later</p> <p>PROJECT ENDS</p>		

January 13, 2006

Karen - I am attaching a spreadsheet providing the information you have requested (Attachment 1), but I want to highlight a few points which may not be immediately self-evident.

First, the original budget (Attachment 2) we submitted to the EAC, dated March 22<sup>nd</sup>, did not itemize personnel expenses by each person. In addition, when we actually began work two months after submitting that budget, we decided to reallocate more time to people within Eagleton and hire fewer outside hourly.

Second, in the figures I sent you in late December we tried to account for all the expenses and projections but overlooked a few things including neglecting to include the honoraria for our peer review team. Hence, the figures we're now sending are different than what I sent in December.

Lastly, we originally discussed a no-cost extension through February, but since we don't yet have the EAC comments on our draft Provisional Voting material nor an estimate of when they are likely to be ready, I think it is prudent to extend the no-cost extension through March 31<sup>st</sup>. We would still like to conclude by the end of February, but if you can approve the extension for another month we could avoid going through this process again if everything is not complete six weeks from now.

It is my understanding that Rutgers will soon be sending our December invoice. At this time, I would also like to request that we combine January and February an invoice the EAC once for that time period.

As you can see, we are currently projecting an ending balance of approximately \$10,000. If additional expenses are incurred beyond what is currently projected, we're confident they will not exceed the original budget of \$560,002.

Thanks and I look forward to hearing from you.

--

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

013489

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 11:09 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Peer Review Group

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:07 AM -----



"Tom O'Neill"

[REDACTED]  
08/19/2005 02:20 PM

To klynndyson@eac.gov  
cc  
Subject Peer Review Group

Karen,

Attached is a report on the status of recruitment of members of the Peer Review Group. We extended 9 invitations. We have four confirmed members, one reluctant turn-down, one who has yet to respond to an initial inquiry, and are awaiting confirmation from 3 others who initially agreed. Please let me know if you need additional information.

Tom O'Neill



RecruitmentStatus.doc

013470

**STATUS OF PEER REVIEW GROUP RECRUITMENT**

(As of August 17, 2005)

<b>R. Michael Alvarez, Ph.D.</b> Professor of Political Science California Institute of Technology	<b>YES/CONFIRMED</b>
<b>Guy-Uriel Charles</b> Associate Professor, School of Law University of Minnesota 612-626-9154	<b>YES*</b>
<b>Brad Clark</b> Professor of Law George Washington University School of Law	<b>NO</b>
<b>Pamela Susan Karlan</b> Montgomery Professor of Public Interest Law Stanford Law School 650-725-4851	<b>YES</b>
<b>Martha E. Kropf, Ph.D.</b> Assistant Professor of Political Science University of Missouri-Kansas City 816-235-5948; KropfM@umkc.edu	<b>YES/CONFIRMED</b>
<b>Daniel H. Lowenstein</b> Professor of Law UCLA 310-825-4841	<b>YES</b>
<b>John F. Manning</b> Professor Harvard Law School	<b>NO RESPONSE</b>
<b>Tim Storey</b> Program Principal Legislative Management Program National Conference of State Legislatures	<b>YES/CONFIRMED</b>
<b>Peter G. Verniero, Esq.</b> Counsel Sills, Cummis, Epstein and Gross, PC (Former NJ Attorney General and Supreme Court Justice)	<b>YES/CONFIRMED</b>

---

013471

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:22 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Peer Review Group

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:21 AM -----



"Tom O'Neill"

07/08/2005 03:41 PM

To "Paquette, Carol" <cpaquette@eac.gov>  
cc "Laura Williams" <lauracw@columbus.rr.com>, "Weingart, John" <john.weingart@rutgers.edu>, "reed, ingrid" <ireed@rutgers.edu>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>, "Lynn-Dyson, Karren" <klyndyson@eac.gov>, "Foley, Ned" <foley.33@osu.edu>  
Subject Peer Review Group

Carol,

After our discussion in New York, you asked me to put in writing our response to the EAC's suggestions for expanding the number and kinds of groups that would review and comment on our work. I hope after your review of this response, we will be able to quickly recruit a balanced Peer Review Group (PRG) and move ahead as the schedule in our work plan indicates. Attached is a revised list of the members we propose for appointment to the PRG. We will probably not be able to persuade all of them to serve, but the number and range of views included on the proposed list should ensure that the resulting group is well-balanced.

Tom

## **RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS**

### EAC's Recommendations for the PRG

Karen Lynn-Dyson reported this response from the EAC commissioners to our proposal for the composition of the PRG.

1. Not sufficient conservative representation on the PRG
2. Create a "tiered process" of review in which:
  - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.
  - B. PRG's analysis would be vetted by a defined/select group of local election officials.
  - C. A defined/select group of advocacy organizations would review the

013472

comments of the local election officials

D. Empanel a final focus group of local election officials, advocates and academics for an overall, interactive reaction to the analysis and recommendations.

#### Project Team Response

Creating three new committees to the review process to supplement the work of the Peer Review Group (PRG) is possible, but would add at least 8 weeks –and possibly 12 weeks-- to our completion of the guidance document on provisional voting. We believe this delay would risk limiting the value of this project for the 2006 election. In addition, the change would add at least \$30,000 to the cost of our work. (See the attached table showing the possible effect on our work plan, and note the optimistic assumptions such as the ability to hold a hearing the week after Christmas.). If the same groups were to be engaged in reviewing our work on Voter ID, the time for that work would also have to be stretched at a similar increased cost.

This additional cost and the added time might be worthwhile. . . if the new layers of review were to produce a consensus on how to strengthen the research, sharpen the analysis, and increase the relevance of the Guidance Document. Our team concluded, however, that additional review groups were unlikely to achieve these results.

#### PRG focuses on quality of research

We believe that our research would be strengthened by a balanced Peer Review Group that will focus on the design of the research and our conduct of it. Based on the EAC's recommendation, we have revised the composition of the PRG to include additional, well-recognized authorities in the field whose perspective is generally agreed to be conservative.

The PRG will focus on the strength of the research design and the quality of our analysis, not on the politics of our recommendations for the guidance document. The PRG will critique the research design and suggest how to strengthen it. Members of the group will review the quality of our analysis so that we can fill holes and correct errors before we make policy recommendations to the EAC. The PRG may or may not meet as a group. The likelihood is that most comments will come in writing from individual members, most of whose schedules would not permit attendance at meetings. In any case, the PRG members will not gather around a table to come to consensus on the study's recommendations.

While using the PRG as a forum to reach consensus on the knotty issues involved does not appear practical, the EAC can benefit from the work of other groups in this regard. It is not necessary for this project to duplicate the deliberative processes of the Carter-Baker Commission, the Century Foundation and the Election Center. The EAC itself as well as the project team can get the benefit of these reports without duplicating this "policy evaluation board" structure as part of this contract.

#### Project Team focuses on analysis and recommendations

Karen reported that the Commissioners believed that the PRG would "prepare a dispassionate analysis of the issues and draw some tentative conclusions." As we see it, the PRG will neither analyze data nor draw conclusions, tentative or otherwise. Its members will review and comment on how the Project Team has designed and carried out the research. Analysis, conclusions and recommendations are the responsibility of the Project Team. We have all seen in the preface to books or articles a sentence or two that read something like this, "The author

013473

thanks Mr. X, Ms. Y, and Dr. Z for their review and comment on the manuscript. Their analysis has strengthened the work, but they are in no way responsible for errors or for my conclusions.” That is the way we think about the Peer Review Group.

In short, the PRG will help ensure that EAC’s Guidance Document is founded on a solid base of data and analysis. The review and comment on the Preliminary Guidance Document by the EAC’s Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a “defined/select” group we might empanel. Any group we define will be open to criticism or charges of bias by representatives of interest groups not represented.

The criticism and charges of bias might be tolerable, but only if we could expect consensus from the “defined/select” group we would appoint. We believe that consensus would be elusive. In empanelling a “defined/select” group, we would naturally look for balance and would appoint members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

#### Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the Guidance Document. We plan, of course, to respond to the EAC’s comments on our preliminary draft, so that the EAC’s comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.



PROPOSED MEMBERSJuly6.doc

**REVISED**  
**PROPOSED MEMBERS OF PEER REVIEW GROUP**  
July 6, 2005

**Role of the Peer Review Group**

Members of the Peer Review Group will review the research design for the project, including the survey of local election officials, the analysis of Voter ID regime on turnout, the state-by-state narrative of developments in provisional voting and voter identification, and the compilation and analysis of statutes, administrative regulations, and case law affecting provisional voting and voter identification. They will also review the report on Analysis and Alternatives. They may review the draft of the Preliminary Guidance Document before it goes to the Board of Advisors for comment.

Members of the group will be respected authorities in their fields and represent a range of opinions and perspectives, although their views on policy will be less important to the study than their views on the quality of the research on which policy recommendations are based.

Ideally, the group would meet once, but even that may not be possible to arrange given the tight time period for the project, the demanding schedules of the members, and their wide dispersal across the county. They will function largely by reviewing written work and making written comments on it. The timing of their involvement is indicated on the work plan.

**R. Michael Alvarez, Ph.D.**

Professor of Political Science  
California Institute of Technology  
rma@hss.caltech.edu  
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College, his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

**Guy-Uriel E. Charles**

Associate Professor  
School of Law  
University of Minnesota  
342 Mondale Hall  
229-19th Avenue South  
Minneapolis, MN 55455  
612-626-9154  
gcharles@umn.edu

Charles teaches and writes on election law, law and politics, and race. He received his B.A. degree in Political Science, *cum laude* from Spring Arbor University and his J.D. from the University of Michigan Law School, where he was Editor-in-Chief of the *Michigan Journal of Race & Law*. He is completing a PhD in political science from the University of Michigan.

**Brad Clark**

Professor of Law  
George Washington University School of Law

Clark received his B.A. in Political Science from Florida State University and his J.D. from Columbia Law School in 1985. He served as a law clerk to the Judge Robert H. Bork on the US Court of Appeals and went on to clerk for Justice Antonin Scalia on the Supreme Court. He has been on the faculty at George Washington University Law School for 12 years, where he has taught Constitutional Law, Federal Courts, and Civil Procedure.

**Pamela Susan Karlan**

Montgomery Professor of Public Interest Law  
Stanford Law School  
559 Nathan Abbott Way  
Stanford, CA 94305-8610  
(650) 725-4851  
karlan@stanford.edu

Formatted

Karlan's principal subjects include legal regulation of the political process. She earned her BA, MA, and JD at Yale University, and was previously a Professor at the University of Virginia. She serves on the California Fair Political Practices Commission and is a Cooperating Attorney with the NAACP Legal Defense and Education Fund. She has also been a lecturer at the FBI National Academy. Among her publications, she is a co-author of *When Elections Go Bad: The Law of Democracy and the Presidential Election of 2000*.

**Martha E. Kropf, Ph.D.**

Assistant Professor of Political Science  
University of Missouri-Kansas City  
816-235-5948; KropfM@umkc.edu

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

Deleted: Deborah Goldberg, Ph.D. Program Director, Democracy Program. Brennan Center for Justice at NYU School of Law. 161 Avenue Of The Americas, 12th Floor. New York, NY 10013. 212-998-6730. Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

**Daniel H. Lowenstein**

Professor of Law  
School of Law  
University of California, Los Angeles  
Box 951476,  
Los Angeles, CA 90095-1476  
(310) 825-4841

Among other courses, Lowenstein teaches Election Law. His textbook, *Election Law* has become a standard in the field. He earned his A.B. at Yale and his LL.B. at Harvard. While working for California's Secretary of State he was the main drafter of the *Political Reform Act* in 1971. He was the first chair of the Fair Political Practices Commission. He has served on the national governing board of Common Cause. He has written on such topics as campaign finance, redistricting, bribery, initiative elections, and political parties.

**John F. Manning**

Professor  
Harvard Law School

013476

Now at Harvard, Manning was appointed Assistant Attorney General for the Office of Legal Counsel by President Bush in 2001. He had been Professor of Law at Columbia Law School. Had had served as Assistant to the Solicitor General of the United States and was an Attorney-Adviser in the Office of Legal Counsel at the Department of Justice during the administrations of President George H. W. Bush and President Reagan. He is a graduate of Harvard College and Harvard Law School.

**Tim Storey**

Program Principal  
Legislative Management Program  
National Conference of State Legislatures  
7700 East First Place  
Denver, CO 80230  
303-364-7700

or

444 North Capitol Street, N.W., Suite 515  
Washington, D.C. 20001  
202-624-5400

**Peter G. Veniero, Esq.**

Counsel  
Sills, Cummis, Epstein and Gross, PC  
One Riverfront Plaza  
Newark, New Jersey 07102  
Tel: 973- 643-7000

Veniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

**Plus one or two former, senior election officials to be suggested by the EAC**

**Deleted: Wade Henderson, Esq.** ¶  
Executive Director ¶  
Leadership Conference on Civil Rights ¶  
1629 K Street, NW, 10<sup>th</sup> Floor ¶  
Washington, DC 20006 ¶  
Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU. ¶

¶  
**Kay Maxwell** ¶  
President ¶  
League of Women Voters of the U.S. ¶  
1730 M Street NW, Suite 1000 ¶  
Washington, DC 20036-4508 ¶  
202-429-1965 ¶  
Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project. ¶

**Deleted:** ¶

013477

Karen Lynn-Dyson/EAC/GOV  
04/27/2006 12:25 PM

To "Mike Alvarez" <rma@hss.caltech.edu>@GSAEXTERNAL  
cc  
bcc  
Subject Re: 

Hi-

Well, I've managed to secure one of the folks on your list- Jan Leighley. As you might imagine, she is very interested in the topic (voter id) and glad to help. Ben Highton is having a baby this week or next so is unavailable. I haven't heard back from the others whom I've called and left detailed messages.

I need to line up at least two others. Perhaps you would be willing to prod your colleagues ( I see Nagler is a long- time colleague of yours). Alternatively, do you have a few other names you might offer?

My world has been one of economists and sociologists, not political scientists. So, I'm not able to line up the types of folks you were able to suggest. I think the list you gave me is outstanding, so I'd like folks of this caliber.

The plan is to do the review May 5- May 11 and to do a conference call with Eagleton (including the peer review folks) on or about Friday, May 12.

As always, Mike, I'm grateful for your advice and guidance.

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

"Mike Alvarez" <rma@hss.caltech.edu>



"Mike Alvarez"  
<rma@hss.caltech.edu>  
04/07/2006 12:54 AM

To klynndyson@eac.gov  
cc  
Subject Re:

Glad to help. I don't want to step on toes, but I'd recommend that you think about some sort of single-blind peer review, of the sort that is employed by many research journals and other organizations (like the NSF or National Academies of Science). I think that if you offer them a modest honoraria (perhaps \$100) I think you'll find that the folks on that list would be likely to provide quick and thorough feedback to you.

Again, let me know if there is more that I can do to help.

013478

I'm also willing to do a review for you myself. The issue is that I feel somewhat conflicted, given that I'm on their "peer review" panel. But on the other hand that does mean that I'm very well aware of the background of this project. I'd leave it up to you as to whether you think that a review from me would be appropriate or not.

Mike

On Thu, 6 Apr 2006 klynndyson@eac.gov wrote:

> Mike- Nice to finally meet you in person, as well. Indeed ,as discussed,  
> I am likely to confer with your peers on a number of matters related to  
> research methodology and statistical analyses,

>  
> Thanks again for providing these names.

>  
> 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

>  
> "Mike Alvarez" <rma@hss.caltech.edu>  
> 04/05/2006 07:39 PM

>  
> To  
> klynndyson@eac.gov  
> cc

> Subject

>  
> Hi -- nice to meet you in person, finally!

>  
> And thanks for inviting me to your gathering, I enjoyed  
> it and hope I was helpful. Of course, any time you want  
> anything, you do know where to track me down.

>  
> As to the potential reviewers of the Eagleton Voter ID  
> study, here are my suggestions, in order:

> Jonathan Nagler, New York University  
> Jan Leighley, University of Arizona  
> Ben Highton, UC-Davis  
> Adam Berinsky, MIT  
> Bernard Grofman, UC-Irvine

>  
> All have worked with the CPS turnout/registration data, and

013479

> are very familiar with this research literature.  
>  
> If these don't work, or you want more recommendations, let me know.  
>  
>

--

\*\*\*\*\*  
R. Michael Alvarez (O)  
626-395-4089  
Professor of Political Science (F)  
626-405-9841  
Caltech/MIT Voting Technology Project  
California Institute of Technology  
Pasadena, CA 91125  
rma@hss.caltech.edu

Contributor to Election Updates,  
<http://electionupdates.caltech.edu/blog.html>  
\*\*\*\*\*

Karen Lynn-Dyson/EAC/GOV  
03/28/2006 04:07 PM

To john.weingart@rutgers.edu  
cc  
bcc  
Subject Re: no-cost extension 

Hi John-

Could you check with Connie Bornheimer and confirm that one invoice in the amount of \$91,787.92 is still forthcoming.

I assume that invoice will be marked as the final payment on the contract.

Thanks

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

013481



**U.S. Election Assistance Commission**  
1225 New York Ave. – Suite 1100  
Washington, DC 20005

DATE!!!!!!

**EAC Advisory 2005-006: Provisional Voting and Identification Requirements**

The U.S. Election Assistance Commission (EAC) has recently received an inquiry regarding whether a state may impose an identification requirement that would limit a potential voter's access to a provisional ballot to which he or she is otherwise entitled under Section 302 of the Help America Vote Act (HAVA) (42 U.S.C. §15482). After consideration of the matter, EAC has concluded that Section 302 of HAVA creates a voter right. Specifically, the section creates the right for a potential voter to utilize a provisional ballot in the event their name does not appear on the registration list or the voter's eligibility is challenged by an election official. While States may create voter identification standards that exceed those laid out in HAVA and effect whether a provisional ballot is counted, States may not take action that limits a voter's right to receive and submit a provisional ballot. In explaining this position, this advisory reviews the plain language of HAVA Section 302, examines the differences between traditional and provisional ballots and analyzes the implementation of provisional voting under HAVA Section 303(b). This advisory also addresses the impact of a state's authority to create stricter standards than prescribed by HAVA upon HAVA's provisional voting requirements.<sup>1</sup>

**Plain Language of HAVA Section 302.** The right to cast a provisional ballot is created in Section 302 of HAVA. Pursuant to HAVA, when an individual declares that he or she is a registered and eligible voter in a federal election, that individual "shall be permitted to cast a provisional ballot" if (1) their name does not appear on the official list of eligible voters or (2) "an election official asserts that the individual is not eligible to vote." (Section 302(a)). This right to receive a provisional ballot is contingent upon only one thing (per Section 302(a)(2)), the individual's execution of a written affirmation that he or she is both a registered and eligible voter for the election at issue.<sup>2</sup> See also, Sandusky County Democratic Party v. Blackwell, 387 F.3d 565, 574 (6<sup>th</sup> Cir. 2004). However, notwithstanding the above, HAVA goes on to recognize that the right to submit a provisional ballot constitutes neither a means to avoid State imposed voter eligibility requirements nor a vote. Instead, HAVA requires election officials at a polling place to

---

<sup>1</sup> The EAC is the Federal agency charged with the administration of HAVA. While the EAC does not have rulemaking authority in the area of provisional voting, HAVA does require the Commission to draft guidance to assist states in their implementation of HAVA's provisional voting requirements. Although EAC's administrative interpretations do not have the force of law associated with legislative rules, the Supreme Court has long held that the interpretations of agencies charged with the administration of a statute are to be given deferential treatment by Courts when faced with issues of statutory construction. York v. Secretary of Treasury, 774 F. 2d 417, 419 – 420 (10<sup>th</sup> Cir. 1985) (citing Compensation Commission of Alaska v. Aragon, 329 U.S. 143, 153 – 154 (1963)) See also Christian v. Harris County, 529 U.S. 576 (2000); Edelman v. Lynchburg College, 122 S. Ct. 1145 (2002).

<sup>2</sup> Moreover, a potential voter determined not to be eligible must be informed of their provisional voting rights per Section 302(a)(1) of HAVA.

transmit a provisional ballot (or information associated with the written affirmation) to appropriate election officials for verification. (Section 302(a)(4) of HAVA). These election officials ultimately determine the voter's eligibility based upon information presented to or gathered by it, in accordance with State law. In this way, the State determines whether any provisional ballot submitted will be counted as a vote. Id.

In simplest terms, provisional voting represents the right of an individual (whose eligibility to vote has been challenged), to reserve their right to vote and postpone the voter eligibility determination to a time when more perfect or complete information may be provided. See Sandusky County Democratic Party, 387 F.3d at 570 and Florida Democratic Party v. Hood, 342 F.Supp 1073, 1079-1080 (N.D. Fla. 2004). A provisional ballot does not represent a different way to vote, nor does it serve as a bypass to State laws governing voter eligibility. Rather, it is designed to prevent an individual from losing his or her right to vote due to the fact that a poll worker did not have all the information available or needed to accurately assess voter eligibility. Thus, based upon the plain language of Section 302(a) of HAVA, a challenge to an individual's eligibility to vote (such as a challenge based upon identification requirements) cannot serve as a bar to the receipt of a provisional ballot, because it is the election official's challenge that triggers the provisional ballot procedure in the first place. To hold otherwise would defeat the purpose of provisional voting. In the end, to understand this concept one must understand the differences between traditional and provisional ballots.

**Traditional vs. Provisional Ballots.** The nature and procedures associated with a provisional ballot are wholly distinct from those of a traditional ballot. Because of this fact, the two processes must be treated differently. While voter identification requirements may serve as a bar to the casting of a traditional ballot, they may not prevent the submission of a provisional ballot.

First, the nature and purpose of traditional and provisional ballots are essentially different. The purpose of a traditional ballot is to allow a confirmed, eligible voter to cast a vote. The purpose of a provisional ballot is to allow individuals whose voter eligibility is challenged to reserve the right to vote by memorializing both their intent to vote and their proposed vote. This is evident by the HAVA processes discussed above. The bottom line is that the casting of a proper, traditional ballot constitutes a vote, while the casting or submission of a provisional ballot does not. A traditional ballot is cast only after voter eligibility has been determined by the State. Hence, the moment it is cast, it becomes an individual's vote. On the other hand, the submission or casting of a provisional ballot is not a vote. Rather, it is a claim that the potential voter who submitted it has the right to vote and reserves that right. As the Sixth Circuit Court of Appeals stated:

[T]he primary purpose of HAVA was to prevent on-the-spot denials of provisional ballots to voters deemed ineligible to vote by poll workers. Under HAVA, the only permissible requirement that may be imposed upon a would-be voter before permitting that voter to cast a provisional ballot is the affirmation contained in [42 U.S.C.] §15482(a): that the voter is a registered voter in the jurisdiction in which he or she desires to vote, and that the voter is eligible to vote in an election for federal office. Sandusky County Democratic Party, 387 F.3d at 574.

This goes to the very heart of provisional voting. If provisional voting is a right triggered by an election official's determination that an individual has not met a voter eligibility requirement, how

can such a requirement also serve as a bar to that right? The concept of provisional voting works only if the right is always available when the application of voter eligibility requirements is in question.

Second, consistent with the differences in purpose between traditional and provisional ballots, the other major distinction between the two lies in the application of voter eligibility requirements. This difference is primarily one of procedural timing. States have the right to create voter eligibility requirements and these requirements must be applied to both traditional and provisional ballots. In casting a traditional ballot, one must meet all eligibility requirements prior to receiving the ballot. However, in the provisional process, the potential voter has already failed to meet these preliminary requirements and the application of State law must occur after the ballot has been received. State voter eligibility requirements should be applied after the provisional ballot and/or supporting affirmation has been transmitted pursuant to Section 302(a)(3) of HAVA. Provisional ballots are counted as votes only after election officials have determined that the individual can meet voter eligibility standards consistent with state law. Again, the purpose of the process is to allow election officials more time, so that they may have more perfect information when making a decision about voter eligibility. Provisional ballots are subject to the full effect of State law regarding the eligibility to vote and the opportunity the law provides provisional voters to supply additional information. Provisional ballots do not escape state or federal voter eligibility requirements, those provisional ballots that do not meet State standards will not be counted.

**Provisional Voting Under HAVA Section 303(b).** Congress provided an example of how provisional voting works by applying the right to a specific circumstance. Section 303(b)(2)(B) of HAVA, entitled *Fail-Safe Voting*, provides that when a first-time voter who registered by mail is required by HAVA Section 303(b) to show identification, that person must be given a provisional ballot if he or she fails to provide such identification at the polling place. This section is important as it clarifies Congressional intent regarding how provisional voting should function.

The *Fail-Safe Voting* provision of Section 303(b)(2)(B) grants clear insight into how provisional voting should be implemented. While Section 303(b) deals with a specific subset of voters (first-time voters who registered by mail), its application of Section 302(a) supports the concept that a provisional ballot must be given to a voter who is determined (at the polling place) not to meet voter identification requirements. A review of the section shows that in the one area where HAVA set a Federal voter identification requirement Congress made clear that an individual's failure to meet this eligibility requirement triggered the statute's provisional voting section. Congress saw no difference between an individual's failure to meet the voter identification requirements it issued in Section 303(b) and the failure to meet eligibility requirements which trigger provisional voting under Section 302. Section 303(b) makes it clear that Congress did not intend voter identification requirements to limit access to provisional voting. Instead, Congress viewed provisional voting as a right, or more specifically, as a fail-safe. The EAC strongly believes that HAVA provisions must be interpreted to bring about consistent and evenly applied results. In this case, if individuals who fail to meet Federal identification standards have the right to a provisional ballot, so must individuals who fail to meet similar State standards.

**Stricter Eligibility Standards and Provisional Voting.** HAVA specifically provides that States may create stricter voter eligibility standards than provided in HAVA.<sup>3</sup> Arizona's "Proposition 200" identification requirements are a prime example of this authority. However, the HAVA authority to create stricter eligibility standards does not grant the state authority to create standards that bar access to a provisional ballot. To interpret HAVA otherwise (i.e. allowing stricter state identification standards to bar access to provisional ballots) would render HAVA's provisional voting mandate (Section 302) void and meaningless. HAVA cannot be read to grant both (1) the right to a provisional ballot if an individual's voting eligibility is challenged by a State and, (2) the right of that State to deny an individual a provisional ballot if they do not meet voter eligibility standards. These concepts are mutually exclusive. HAVA cannot be interpreted to allow a State to create voter eligibility standards that bar the Section 302 right to cast a provisional ballot without nullifying the effect and intent of that provision. Any such interpretation of HAVA would run afoul of both HAVA Section 304 and longstanding principles of statutory construction.

First, HAVA notes in Section 304 that while States may create standards that are stricter than those established under HAVA, this authority is limited to the extent "such State requirements are not inconsistent with the Federal requirements under [HAVA]." Clearly, provisional voting is a requirement under HAVA. Section 302(a) notes that qualified individuals "shall be permitted to cast a provisional ballot." (Emphasis added). In this way, States may not create standards that are inconsistent or interfere with the provisional voting mandate.

Furthermore, long established principles of statutory construction further prohibit an interpretation of HAVA that would render any of its provisions meaningless. It is "'a cardinal principle of statutory construction' that 'a statute ought, upon the whole, to be so construed that, if it can be prevented, no clause, sentence, or word shall be superfluous, void, or insignificant.'" TRW Inc. v. Andrews, 534 U.S. 19, 31, 122 S.Ct. 441, 151 L.Ed.2d 339 (2001), (quoting Duncan v. Walker, 533 U.S. 167, 174, 121 S.Ct. 2120, 150 L.Ed.2d 251 (2001)).

**A Stricter Provisional Voting Standard.** As discussed above, States' have the right to impose stricter requirements than those laid out in HAVA. The EAC has already made it clear, above, that a stricter voter eligibility requirement cannot be read to bar an individual's right to a provisional ballot. However, could a stricter requirement regarding provisional voting serve to limit access to such ballots? No. A stricter State requirement for provisional voting would be a standard that enhances a person's access to a provisional ballot. As the Sixth Circuit noted, "HAVA is quintessentially about being able to cast a provisional ballot." Sandusky County Democratic Party, 387 F.3d at 576. "HAVA's requirements 'are minimum requirements' permitting deviation from its provisions provided that such deviation is 'more strict than the requirements established under' HAVA (in terms of encouraging provisional voting)...." Id., (quoting 42 U.S.C. §15484, emphasis added). Thus, in terms of provisional voting, a stricter standard is one that serves to further encourage provisional voting. When passing laws affecting provisional voting, States must ensure that their provisions are consistent with HAVA or otherwise serve to further an individual's access to a provisional ballot. EAC concludes that any policy asserting that States may pass laws limiting access to provisional ballots conflicts with HAVA.

---

<sup>3</sup> See 42 U.S.C. §§15485 – 15485, entitled *Minimum Requirements and Methods of Implementation Left to Discretion of State*, respectively.

**Conclusion.** A state may not impose an identification requirement that would limit a potential voter's access to and submission of a provisional ballot. However, such requirements (when coupled with a state's provisional ballot procedures) may prevent a provisional ballot from being counted.

Gracia Hillman  
Chair

Paul DeGregario  
Vice Chairman

Ray Martinez III  
Commissioner

Donetta Davidson  
Commissioner

013486