

Major Vote Buying Cases Summary

Between 2001 and 2006, allegations and convictions for vote buying and conspiracies to buy votes were concentrated in three states: Illinois, West Virginia and Kentucky.

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In East St. Louis, Illinois, nine individuals, including a former city council member and the head of the local Democratic Party, Charles Powell, Jr., were convicted or pled guilty to vote buying and conspiracy to commit election fraud during the 2004 general election. The government's conspiracy case was almost entirely based on taped conversations in which the defendants discussed buying votes for \$5 and whether this would be adequate. Federal prosecutors alleged that the vote buying was financed with \$79,000 transferred from the County Democratic Party shortly before the election, although county officials have not been charged. Four defendants were convicted of purchasing or offering to purchase at least one vote directly, while Democratic Party chairman was only convicted of conspiracy.¹ Earlier, three precinct officials and one precinct worker pled guilty to buying votes for \$5 or \$10 in that same election.²

Eastern Kentucky has witnessed a series of vote buying cases over the last several years. The most recent revolved around Ross Harris, a Pike County political fundraiser and coal executive, and his associate Loren Glenn Turner. Harris and Turner were convicted in September 2004 of vote buying, mail fraud, and several other counts.³ Prosecutors alleged Harris and Turner conspired to buy votes and provided the necessary funds in an unsuccessful 2002 bid for Pike County district judge by former State Senator Doug Hays. Harris supplied nearly \$40,000, Turner laundered the money through straw contributors, and the cash was then disbursed in the form of \$50 checks ostensibly for 'vote hauling', the legal practice of paying campaign workers to get voters to the polls which is notorious as a cover for buying votes.⁴ Harris attempted to influence the race on behalf of Hays in order to get revenge on Hays' opponent for a personal matter.⁵

A grand jury initially indicted 10 individuals in connection with the Harris and Turner case, including Hays and his wife, and six campaign workers. Of the remaining defendants, only one, Tom Varney, also a witness in the Hays case, pled guilty. The others were either acquitted of vote buying charges or had vote buying charges dropped.⁶ Prosecutors have announced that their investigation continues into others tied to Harris and may produce further indictments.

The Harris case follows a series of trials related to the 1998 Knott County Democratic primary. Between 2003 and 2004, 10 individuals were indicted on vote buying charges, including a winning candidate in those primaries, Knott County judge-executive Donnie Newsome, who was reelected in 2002. In 2004 Newsome and a supporter were sent to jail and fined. Five other

¹ "Five convicted in federal vote-fraud trial" Associated Press, June 30, 2005; "Powell gets 21 months" Belleville News-Democrat, March 1, 2006.

² "Four Plead Guilty To Vote-Buying Cash Was Allegedly Supplied By St. Clair Democratic Machine" Belleville News-Democrat, March 23, 2005.

³ "2 found guilty in pike county vote-fraud case; Two-year sentences possible," Lexington Herald Leader, September 17, 2004.

⁴ "Jury weighing vote-fraud case," Lexington Herald Leader, September 16, 2004.

⁵ "Pike Election Trial Goes To Jury" Lexington Herald Leader, January 1, 2006.

⁶ "Former state senator acquitted of vote buying," Lexington Herald Leader, November 2, 2004.

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defendants pled guilty to vote buying charges, and three were acquitted. The primary means of vote buying entailed purchasing absentee votes from elderly, infirm, illiterate or poor voters, usually for between \$50 and \$100. This resulted in an abnormally high number of absentee ballots in the primary.⁷ Indictments relating to that same 1998 primary were also brought in 1999, when 6 individuals were indicted for buying the votes of students at a small local college. Five of those indicted were convicted or pled guilty.⁸

Absentee vote buying was also an issue in 2002, when federal prosecutors opened an investigation in Kentucky's Clay County after an abnormal number of absentee ballots were filed in the primary and the sheriff halted absentee voting twice over concerns.⁹ Officials received hundreds of complaints of vote-buying during the 2002 primary, and state investigators performed follow up investigations in a number of counties, including Knott, Bell, Floyd, Pike, and Maginoff.¹⁰ No indictments have been produced so far.

So far, relatively few incidents of vote-buying have been substantially identified or investigated in the 2004 election. Two instances of vote buying in local 2004 elections have been brought before a grand jury. In one, a Casey County man was indicted for purchasing votes in a local school board race with cash and whiskey.¹¹ In the second, the grand jury chose not to indict an individual accused of offering to purchase a teenager's vote on a local proposal with beer.¹²

An extensive vote buying conspiracy has also been uncovered in southern West Virginia. The federal probe, which handed down its first indictment in 2003, has yielded more than a dozen guilty pleas to charges of vote buying and conspiracy in elections since the late 1980s. As this area is almost exclusively dominated by the Democratic Party, vote-buying occurred largely during primary contests.

The first phase of the probe focused on Logan County residents, where vote buying charges were brought in relation to elections in 1996, 2000, 2002 and 2004. In an extraordinary tactic, the FBI planted the former mayor of Logan City, Tom Esposito, as a candidate in a state legislative race. Esposito's cooperation led to guilty pleas from the Logan County Clerk, who pled guilty to selling his vote to Esposito in 1996,¹³ and another man who took money from Esposito for the purpose of vote buying in 2004.¹⁴

Guilty pleas were also obtained in connection with former county sheriff Johnny Mendez, who pled guilty to buying votes in two primary elections in order to elect candidates including

⁷ "Knott County, KY., Judge Executive sentenced on vote-buying conspiracy charges," Department of Justice, March 16, 2004.

⁸ "6 men accused of vote fraud in '98 Knott primary; Charges include vote buying and lying to FBI"

⁹ "Election 2002: ABSENTEE BALLOTING; State attorney general's office investigates voting records in some counties" The Courier-Journal, November 7, 2002.

¹⁰ "Election 2002: Kentucky; VOTE FRAUD; Investigators monitor 17 counties across state" The Courier-Journal, November 6, 2002.

¹¹ "Jury finds man guilty on vote-buying charges" Associated Press, November 11, 2005.

¹² "Man in beer vote case files suit" The Cincinnati Enquirer, March 17, 2005.

¹³ "Two plead to vote fraud; Logan clerk sold vote; politician tried to buy votes" Charleston Gazette, December 14, 2005.

¹⁴ "Logan man gets probation in vote-fraud scandal" Charleston Gazette, March 1, 2006.

himself. In 2000, with a large amount of funding from a prominent local lawyer seeking to influence a state delegate election for his wife, Mendez distributed around \$10,000 in payments to voters of \$10 to \$100. Then, in the 2004 primary, Mendez distributed around \$2,000 before his arrest.¹⁵ A deputy of Mendez', the former Logan police chief, also pled guilty to a count of vote buying in 2002.¹⁶

Prosecutors focusing on neighboring Lincoln County have alleged a long-standing vote-buying conspiracy extending back to the late 1980s. The probe identified Lincoln County Circuit Clerk Greg Stowers as head of a Democratic Party faction which routinely bought votes in order to maintain office. Stowers pled guilty in December 2005 to distributing around \$7,000 to buy votes in the 2004 primary. The Lincoln County Assessor, and Stowers' longtime political ally, Jerry Allen Weaver, also pled guilty to conspiracy to buy votes.¹⁷ These were accompanied by four other guilty pleas from party workers for vote buying in primaries. While most specific charges focused on vote buying in the 2004 primary, defendants also admitted buying votes as far back as the 1988, 1990, and 1992 primaries.

The leading conspirators would give party workers candidate slates and cash, which workers would then take to the polling place and use to purchase votes for amounts between \$10 and \$40 and in one instance, for liquor. Voters would be handed the slate of chosen candidates, and would then be paid upon exiting the polling place. In other cases, the elected officials in question purchased votes in exchange for non-cash rewards, including patronage positions, fixed tickets, favorable tax assessments, and home improvements.¹⁸

The West Virginia probe is ongoing, as prosecutors are scrutinizing others implicated during the proceedings so far, including a sitting state delegate, who may be under scrutiny for vote buying in a 1990 election, and one of the Lincoln county defendants who previously had vote buying charges against him dropped.¹⁹

¹⁵ "Mendez confined to home for year Ex-Logan sheriff was convicted of buying votes" Charleston Gazette, January 22, 2005.

¹⁶ "Ex-Logan police sentenced for buying votes" Associated Press, February 15, 2005.

¹⁷ "Clerk says he engaged in vote buying" Charleston Gazette, December 30, 2005.

¹⁸ "Lincoln clerk, two others plead guilty to election fraud" Charleston Daily Mail, December 30, 2005.

¹⁹ "Next phase pondered in federal vote-buying probe" Associated Press, January 1, 2006.



"Tova Wang" <wang@tcf.org>

05/15/2006 09:56 AM

To dromig@eac.gov

cc psims@eac.gov

bcc

Subject RE: I'm sorry

Great -- thanks so much and apologies for the false alarm.

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

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

Sent: Monday, May 15, 2006 8:51 AM

To: wang@tcf.org

Cc: psims@eac.gov

Subject: RE: I'm sorry

This article is on the CD, it is located in the "Nexis Article Charts" folder.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

"Tova Wang" <wang@tcf.org>

05/15/2006 09:26 AM

To psims@eac.gov

cc dromig@eac.gov

Subject RE: I'm sorry

Thats good. I'm probably just getting crazy, trying to make sure everything is perfect. Devon, maybe you can check? Otherwise I'll check it when it comes. Thanks. And be well Peg.

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

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

Sent: Monday, May 15, 2006 8:23 AM

To: Tova Andrea Wang

Subject: Re: I'm sorry

014588

Tova:

I think you did send this --- or is this a revised version of one you sent earlier? It should be on the CD in the packet you should receive today.. (Can't check that right now as I am at the clinic.) If I put anything on the CD that you want to highlight at the meeting, let me know and we'll make copies for those attending.

Peggy

Sent from my BlackBerry Wireless Handheld

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

From: "Tova Wang" [wang@tcf.org]

Sent: 05/15/2006 09:07 AM

To: Margaret Sims

Cc: Devon Romig

Subject: I'm sorry

I don't think I sent this to you either. Can we hand it out at the meeting as an addendum? Its another summary that would have gone in the news article section. I'm usually so organized, I'm very embarrassed. Too many things! Thanks

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

014589



"Tova Wang" <wang@tcf.org>

To psims@eac.gov

05/15/2006 09:26 AM

cc dromig@eac.gov

bcc

Subject RE: I'm sorry

History

 This message has been replied to

Thats good. I'm probably just getting crazy, trying to make sure everything is perfect. Devon, maybe you can check? Otherwise I'll check it when it comes. Thanks. And be well Peg.

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Peggy

Sent from my BlackBerry Wireless Handheld

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Sent: 05/15/2006 09:07 AM

To: Margaret Sims

Cc: Devon Romig

Subject: I'm sorry

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Tova Andrea Wang

Democracy Fellow

The Century Foundation

41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

014590



"Rogers, Kathy"
<krogers@sos.state.ga.us>
05/16/2006 01:31 PM

To dromig@eac.gov
cc
bcc

Subject RE: Voter Fraud/Voter Intimidation Working Group, May
18th, 2006

History:  This message has been replied to.

Devon,
Just checking – did you send this yet? I also do not have the e-ticket.
Kathy

From: dromig@eac.gov [mailto:dromig@eac.gov]
Sent: Wednesday, May 10, 2006 4:59 PM
To: Rogers, Kathy
Subject: RE: Voter Fraud/Voter Intimidation Working Group, May 18th, 2006

Thank you, I will fax you a copy of your travel authorization form as soon as it is available. Please remember to bring this form with you on your day of travel, there is a small possibility that you may be asked to present this form at the airport.

Best Regards,

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014591



"Marvin Brokaw"
<marvin.brokaw@adtrav.com>
>

05/16/2006 02:14 PM

To "Devon Romig" <dromig@eac.gov>

cc

bcc

Subject Perez and Rogers

History

✉ This message has been replied to.

Hi Devon:

Judy said you had inquired about hotel reservations for J.R. Perez and Kathy Rogers. They are booked at the Sheraton College Park Hotel for arrival on May 17 and departure on May 18. J. R. Perez confirmation number is 51423 and Kathy Rogers confirmation number is 51424. I apologize for not getting them to you earlier.

Kind Regards,
Marvin

Marvin Brokaw
ADTRAV Meetings and Incentives
4555 Southlake Parkway
Birmingham, AL 35244
(205)444-4800 ext. 3501- phone
(205)444-4822 - fax
e-mail - marvin.brokaw@adtrav.com
visit our website at www.adtrav.com

014592

Margaret Sims /EAC/GOV
04/20/2006 07:12 PM

To "Tova Andrea Wang" <wang@tcf.org>
cc Devon E. Romig/EAC/GOV
bcc
Subject Re: wg meeting

For some reason, I thought Job was not available next week. If we do set up a teleconference, I'll need to do it later in the week (Thursday afternoon or on Friday).
Peggy

Sent from my BlackBerry Wireless Handheld

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

From: "Tova Wang" [wang@tcf.org]
Sent: 04/20/2006 10:58 AM
To: Margaret Sims
Cc: Devon Romig
Subject: wg meeting

Hi Peg,

I think I might have told you only that I am unavailable on the 5th. I'm actually unavailable on the 4th as well. Any news on this front? We should also arrange a conference call next week about preparing for the meeting, don't you think? Thanks Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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014593

Margaret Sims /EAC/GOV
05/16/2006 01:36 PM

To Elieen L. Collver/EAC/GOV@EAC
cc dromig@eac.gov
bcc
Subject Tent Cards

Attached is a list of folks who will be attending the Voting Fraud-Voter Intimidation Working Group meeting. I have asterisked the names that will require tent cards. I am working on a seating chart so that we can be sure the Ds and the Rs aren't all seated together in a "them vs. us" pattern. --- Peggy

014594

Margaret Sims /EAC/GOV
05/16/2006 02:37 PM

To Elieen L. Collver/EAC/GOV@EAC
cc dromig@eac.gov
bcc
Subject Re: Tent Cards 

Oops! I hit send prematurely. Here is the attachment. --- Peggy

Elieen L. Collver/EAC/GOV

05/16/2006 01:38 PM

To Margaret Sims/EAC/GOV@EAC
cc dromig@eac.gov
Subject Re: Tent Cards [Link](#)

Please forward list...there was no attachment. thanks!

Elle L.K Collver
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, D.C. 20005
office: (202) 566-2256
blackberry: (202) 294-9251
www.eac.gov

Margaret Sims/EAC/GOV

05/16/2006 01:36 PM

To Elieen L. Collver/EAC/GOV@EAC
cc dromig@eac.gov
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014595



Working Group Attendees 5-18-06.doc

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Voting Fraud-Voter Intimidation Working Group Attendees
May 18, 2006

The Honorable Todd Rokita*

Indiana Secretary of State

Kathy Rogers*

Director of Elections, Georgia Office of the Secretary of State

J.R. Perez*

Guadalupe County Elections Administrator, TX

Jon Greenbaum*

Director, Voting Rights Project, Lawyers Committee for Civil Rights Under Law
*(Representing Working Group member Barbara Arnwine, Executive Director,
Lawyers Committee for Civil Rights Under Law and Leader of Election Protection
Coalition)*

Robert Bauer*

Partner, Perkins Coie

Benjamin Ginsberg*

Partner, Patton Boggs LLP

Mark (Thor) Hearne II

Partner-Member, Lathrop & Gage

Barry Weinberg*

Former Deputy Chief and Acting Chief, Voting Section, Civil Rights Division, U.S.
Department of Justice

EAC Invited Technical Advisor:

Craig Donsanto*

Director, Election Crimes Branch, U.S. Department of Justice

EAC Commissioners, Consultants & Staff

Job Serebrov*

EAC Consultant

Tova Wang*

EAC Consultant

Paul DeGregorio*

EAC Chairman

014597

Ray Martinez*
EAC Vice Chairman

Gavin Gilmour*
EAC Associate General Counsel

Peggy Sims*
EAC Staff

Edgardo Cortés*
EAC Staff

Elle Collver
EAC Staff

Devon Romig
EAC Intern

Will stop by to greet, but will not sit at table

Tom Wilkey
EAC Executive Director

Julie Thompson-Hodgkins
EAC General Counsel

*** To be seated at table with name tents.**

Margaret Sims /EAC/GOV
05/18/2006 12:02 PM

To dromig@eac.gov
cc
bcc
Subject Seating Chart



May 18 Seating Chart.doc

014539

VOTING FRAUD-VOTER INTIMIDATION MEETING SEATING CHART

	Tova Wang EAC Consultant	Job Serebrov EAC Consultant
The Honorable Todd Rokita Indiana Secretary of State		Peggy Sims EAC Staff & COTR
Robert Bauer Partner, Perkins Coie		Craig Donsanto Director, Election Crimes Branch, DOJ (<i>Technical Consultant</i>)
Mark (Thor) Hearne II Partner-Member, Lathrop & Gage		Ray Martinez EAC Vice Chairman
Jon Greenbaum Director, Voting Rights Project, Lawyers Committee for Civil Rights Under Law		Paul DeGregorio EAC Chairman
Benjamin Ginsberg Partner, Patton Boggs LLP		Gavin Gilmour EAC Associate General Counsel
Kathy Rogers Director of Elections, Georgia Office of the Secretary of State		Edgardo Cortés EAC Staff
	Barry Weinberg Former Deputy Chief and Acting Chief, Voting Section, Civil Rights Division, U.S. Department of Justice	J.R. Perez Guadalupe County Elections Administrator, TX

014600



"Dottie Simmons"
<dottie.simmons@adtrav.com
>

05/16/2006 10:27 AM

To dromig@eac.gov

cc

bcc

Subject Trave authorizations

History:  This message has been replied to

Devon,

I have the authorization for J.R.Perez but I need to get the authorizations for the other 3 as well.

Let me know.

Dottie Simmons
ADTRAV Meetings and Incentives
205-444-4833-ext.3212

014601



"Dottie Simmons"
<dottie.simmons@adtrav.com
>

05/16/2006 01:18 PM

To dromig@eac.gov

cc

bcc

Subject RE: Trave authorizations

Thanks!

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

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

Sent: Tuesday, May 16, 2006 11:10 AM

To: dottie.simmons@adtrav.com

Subject: Re: Trave authorizations

Dottie,

I just received the approved authorizations, I will fax them to you now.

Thanks!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

"Dottie Simmons" <dottie.simmons@adtrav.com>

05/16/2006 10:27 AM

To dromig@eac.gov

cc

Subject Trave authorizations

Devon,

I have the authorization for J.R.Perez but I need to get the authorizations for the other 3 as well.

Let me know.

Dottie Simmons
ADTRAV Meetings and Incentives
205-444-4833-ext.3212

014632



Devon E. Romig/EAC/GOV

04/19/2006 04:20 PM

To assisstant@sos.in.gov

cc

bcc

Subject Voting Fraud - Voter Intimidation Project Working Group

Dear Nathan,

Here is the information that you requested.

Secretary Rokita was recommended by one of our consultants, Job Serebrov, to participate in the Voting Fraud - Voter Intimidation Project Working Group. This working group will last for one day and it will be held in Washington, DC. The purpose of this working group is to bring together experts and representatives of organizations that are knowledgeable about the topics of voting fraud and voter intimidation in order to foster a discussion on related issues and preliminary research.

The following are a list of the other potential participants; Barbara Arnwine, Robert Bauer, Craig Donsanto, Mark Hearne III, David Norcross, Kathy Rogers, and Barry Weinberg

We are hoping to hold this meeting in May, between the 1rst and the 19th (excluding the following dates; 4, 5, 6, 7, 13, 14). Please let me know any and all of the dates that would be the most convenient for Secretary Rokita.

Best,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377
www.eac.gov

014603

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Privilege**



Devon E. Romig/EAC/GOV

04/19/2006 04:57 PM

To assistant@sos.in.gov

cc

bcc

Subject Voting Fraud - Voter Intimidation Project Working Group

Dear Nathan,

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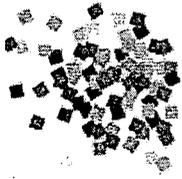
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Best,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377
www.eac.gov

014604

**Deliberative Process
Privilege**



Devon E. Romig/EAC/GOV

06/05/2006 01:36 PM

To Bryan Whitener/EAC/GOV

cc

bcc

Subject Voter Fraud/Intimidation Working Group

Bryan,

The date of this meeting was May 18 , 2006

Thanks,

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014695



Devon E. Romig/EAC/GOV

05/09/2006 09:32 AM

To bschuler@lathropgage.com, mhearne@lathropgage.com,
[REDACTED] ssistant@sos.in.gov,
krogers@sos.state.ga.us

cc Margaret Sims/EAC/GOV@EAC

bcc

Subject Voter Fraud/Voter Intimidation Working Group, May 18th,
2006

Dear Meeting Participants,

Thank you for confirming your participation in the upcoming Voter Fraud/Voter Intimidation Working Group Meeting in Washington, D.C.. This meeting will take place at our office from 1:00 PM to 5:30 PM on Thursday May 18th, 2006.

The Election Assistance Commission (EAC) will cover the cost of your flight, the cost of your hotel room and provide you with a daily per diem. The cost of the airfare and the hotel stay will be paid directly by the EAC, as long as you book your travel through Adventure Travel.

To coordinate your flight and hotel stay, please contact Marvin Brokaw of Adventure Travel at (205) 444-4800, ext. 3501. Please note that the eligible dates of the hotel accommodation include the evenings on May 17th and May 18th. Once you have contacted him and you have received the itinerary via e-mail you must forward me a copy immediately so that I can complete a travel authorization form.

I have included two attachments with this email; the first attachment is a letter that contains important information that you will need to know before calling the travel agent and the second attachment provides some general information that should help you get around the city during your trip.

In addition to your travel itinerary, I will also need the following information by the close of business this Friday May 12, 2006 in order to complete your travel authorization:

Full Name:

Title:

Entity for whom you work:

Address to Which the Reimbursement Check Will Be Mailed:

Work Telephone:

Fax Number:

Social Security #: (if uncomfortable e-mailing this, feel free to call me):

Feel free to contact me with any questions.

Sincerely,

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov



Per Diem Letter VFVI.doc



Logistics Sheet VFVI.doc

014606



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

Dear Meeting Participant:

On behalf of the entire U.S. Election Assistance Commission (EAC), I would like to thank you for agreeing to attend the Voter Fraud/Voter Intimidation Working Group Meeting on May 18th, 2006.

The EAC will pay for your roundtrip airfare and hotel, and based on your dates of travel to attend our meeting and will pay a daily per diem to cover meals not provided by EAC and incidental expenses (M&IE). Car rental costs or mileage incurred through the use of a rental car are not reimbursable, as well as costs associated with redcaps, baggage delivery, long distance telephone calls, pay per view cable, room service, laundry service, and wet bars. These charges, if used, must be borne by you at the time services were rendered. **Ground transportation (ex. metro, bus, taxi), hotel parking, airport parking, and any mileage incurred using your privately owned vehicle will be reimbursed.**

The EAC will provide hotel accommodations. If you are traveling from one of the following States than you are authorized for a two-night hotel room stay in Washington D.C.; Georgia, Indiana, Missouri, New Mexico and Texas.

The per diem rates listed below provide a guide for you to use in order to calculate your per diem for your stay. A discounted per diem rate is applicable if any travel occurs on that day. For example, if you arrive on May 17th and leave on May 18th, both of these days will be considered travel days and you will receive the discounted rate. I will provide you with a travel reimbursement form at the meeting.

The current federal per diem rates are as follows;

- Meals & Incidentals Expenses (M&IE) = \$64 per day (the discounted rate for the first and last day of travel is \$48)
- Mileage for Personally Owned Vehicle = \$.445 per mile

If you have any questions, please do not hesitate to contact me at (202) 566-2377 or via email at dromig@eac.gov.

014607



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

May 18, 2006 – EAC Meeting

Logistics Fact Sheet

Date: Thursday, May 18th, 2006

Time: 1:00PM – 5:00PM

Location: U.S. Election Assistance Commission – Conference Room
1225 New York Ave, NW, Suite 1100
Washington, DC 20005
Tel. (202) 566-3100

Transportation: **Via Metro** – take blue, orange, or red line to Metro Center; walk up to New York Ave (2 blocks from Metro – corner of New York Ave and 12th St.)
To EAC offices

Bus service at Metro Center:

11Y (on 14th St.)
42 (on 11th St.)
52, 53, 54 (on 14th St.; also 54 on F St. between 11th & 14th)
66, 68 (on 11th St.)
80 (on H St.)
D1, D3, D6 (on 13th St.)
G8 (on 11th St. north of H, on H St. west of 11th)
P17, P19 (inbound on 11th St.; outbound on 13th St.)
P6 (on 11th St.)
S2, S4 (on 11th St.)
W13 (inbound on 11th St.; outbound on 13th St.)
X2 (on H St.)

From Reagan National Airport:

- take blue line Metro towards Largo Town Center; exit at Metro Center station
- taxi services available (fare will be approximately \$15-\$20)

Parking:

Parking garage available behind building on I Street, NW.

Contact: For more information, contact the U.S. Election Assistance Commission at (202) 566-3100.

014608



Devon E. Romig/EAC/GOV
05/16/2006 01:09 PM

To "Dottie Simmons"
<dottie.simmons@adtrav.com>@GSAEXTERNAL
cc
bcc
Subject Re: Trave authorizations 

Dottie,

I just received the approved authorizations, I will fax them to you now.

Thanks!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
"Dottie Simmons" <dottie.simmons@adtrav.com>



"Dottie Simmons"
<dottie.simmons@adtrav.com
>
05/16/2006 10:27 AM

To dromig@eac.gov
cc
Subject Trave authorizations

Devon,

I have the authorization for J.R.Perez but I need to get the authorizations for the other 3 as well.

Let me know.

Dottie Simmons
ADTRAV Meetings and Incentives
205-444-4833-ext.3212

014609



Devon E. Romig/EAC/GOV
05/09/2006 05:04 PM

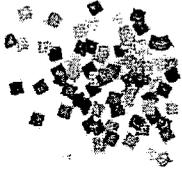
To "Dottie Simmons"
<dottie.simmons@adtrav.com>@GSAEXTERNAL
cc
bcc
Subject RE: Kathy Rogers itinerary 

Yes, I have received the itineraries for Rogers, Hearne and Perez.

Thanks!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014610



Devon E. Romig/EAC/GOV
05/09/2006 04:41 PM

To "Dottie Simmons"
<dottie.simmons@adtrav.com>@GSAEXTERNAL
cc
bcc
Subject RE: Kathy Rogers itinerary 

Thanks!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014611



Devon E. Romig/EAC/GOV
05/09/2006 04:26 PM

To "Dottie Simmons"
<dottie.simmons@adtrav.com>@GSAEXTERNAL
cc
bcc
Subject Re: Kathy Rogers itinerary 

Ms. Simmons,

Thanks again for the itineraries. Can you tell me what hotels that J.R. Perez and Kathy Rogers are staying at?

Best,

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014612



Devon E. Romig/EAC/GOV

05/09/2006 03:25 PM

To "Dottie Simmons"

<dottie.simmons@adtrav.com>@GSAEXTERNAL

cc

bcc

Subject Re: Travel Itinerary 18MAY HEARNE 

Thanks so much!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014613



Devon E. Romig/EAC/GOV
05/11/2006 12:46 PM

To dottie.simmons@adtrav.com
cc
bcc
Subject Fax number

Dottie,

Can you send me your fax number? Once I get it I will start faxing the travel authorizations to you.

Thanks,

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014614



Devon E. Romig/EAC/GOV

05/15/2006 02:25 PM

To Elieen L. Collver/EAC/GOV@EAC

cc Laiza N. Otero/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC

bcc

Subject Re: working group 

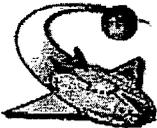
I have attached the list of the working groups participants. Peggy, you may want to double check this list incase I have left anyone out.

In place of name tags we just used the tent cards for the APIA working group. This seemed to be effective because it was easier to identify the person who was speaking but we could use both.



Meeting Participants for VFVI Working Group.doc

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
Elieen L. Collver/EAC/GOV



Elieen L. Collver/EAC/GOV

05/15/2006 12:19 PM

To Margaret Sims/EAC/GOV@EAC

cc Laiza N. Otero/EAC/GOV@EAC, dromig@eac.gov@EAC

Subject working group

Peggy,

In preparation for the logistics of this week's working group, I need to know how many people to expect for the meeting. Also, if you still need me to make name tags, I will need a list of attendees and the avery label size.

Also, I will need help from Laiza on the table tents, or we can see if she has the time to help with that.

Thanks!

Elle

Elle L.K Collver
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, D.C. 20005
office: (202) 566-2256
blackberry: (202) 294-9251
www.eac.gov

014615

Meeting Participants for VFVI Working Group

OUT OF STATE PARTICIPANTS						
Participant	Title	Point of Contact	Email	Phone Number	City, State	
Mark (Thor) Hearne	Partner-Member	Bethany Schuler	bschuler@lathropgage.com; mheame@lathropgage.com	BS (314) 613 – 2510; MH314-613-2522; Fax314-613-2550	St. Louis, MO	
J.R. Perez	Election Administrator		[REDACTED]	830-303-6363; Fax 830-303-6373	Seguin, TX	
Todd Rokita	Secretary of State	Nathan Cane	assistant@sos.in.gov	NC317-232-6536; TR 317-232-6531; Fax 317-233-3283	Indianapolis, IN	
Kathy Rogers	Director of Elections		krogers@sos.state.ga.us	404-657-5380; Fax 404-651-9531	Atlanta, GA	
LOCAL AREA PARTICIPANTS (NOT ELIGIBLE FOR TRAVEL)						
Jon Greenbaum (Representing Barbara Amwine)	Executive Director	Valerie Johnson	vjohnson@lawyerscommittee.org; barnwine@lawyerscommittee.org	VJ (202) 662-8382; BA 202-662-8300; Fax 202-783-0857	Washington, DC	
Robert F. Bauer	Partner	Donna Lovecchio	dlovecchio@perkinscoie.com; Rbauer@perkinscoie.com	202-434-1602; Fax 202-434-1690	Washington, DC	
Benjamin L. Ginsberg	Partner		[REDACTED]			
Barry Weinberg			[REDACTED]	301-493-5343	Bethesda, MD	
Craig C. Donsanto	Director		cdonsanto@usdoj.gov	202-514-1421; Fax 202-514-3003	Washington, DC	

Not emailed

014617



Devon E. Romig/EAC/GOV
05/15/2006 03:28 PM

To Elieen L. Collver/EAC/GOV@EAC
cc Margaret Sims/EAC/GOV@EAC
bcc
Subject Re: working group

I have arranged for a transcriptionist to be at the meeting but I am not sure about the snacks for the break.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
Elieen L. Collver/EAC/GOV



Elieen L. Collver/EAC/GOV
05/15/2006 03:19 PM

To Margaret Sims/EAC/GOV@EAC
cc dromig@eac.gov
Subject Re: working group

Sounds great. It did seem to work just fine for our Asian Language group. Is there going to be a transcriptionist? If so, has anyone taken care of that?

Did you still want to provide the cookies or snacks, or shall I get that from Cafe Mozart (where I am planning to get the coffee). I can just buy a few boxes of cookies for the break.

Elle

Elle L.K Collver
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, D.C. 20005
office: (202) 566-2256
blackberry: (202) 294-9251
www.eac.gov

Margaret Sims /EAC/GOV

05/15/2006 02:48 PM

To Elieen L. Collver/EAC/GOV@EAC
cc dromig@eac.gov
Subject Re: working group Link

014618

Elle:

I think our number will be about 21 (with the Working Group members, consultants, possible EAC Commissioners and staff, and the court reporter). I'll have a better idea of the final list after I brief Commissioners tomorrow morning. Devon noted that they used only tent cards for the Asian Language Working Group. That might be sufficient for this group and would cut back on some of the work we have to do in preparation. --- Peggy

Elleen L. Colver/EAC/GOV

05/15/2006 12:19 PM

To Margaret Sims/EAC/GOV@EAC

cc Laiza N. Otero/EAC/GOV@EAC, dromig@eac.gov@EAC

Subject working group

Peggy,

In preparation for the logistics of this week's working group, I need to know how many people to expect for the meeting. Also, if you still need me to make name tags, I will need a list of attendees and the avery label size.

Also, I will need help from Laiza on the table tents, or we can see if she has the time to help with that.

Thanks!

Elle

Elle L.K Collver
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, D.C. 20005
office: (202) 566-2256
blackberry: (202) 294-9251
www.eac.gov

014619



Devon E. Romig/EAC/GOV
05/11/2006 03:51 PM

To "J. R. Perez" [REDACTED]@GSAEXTERNAL
cc
bcc
Subject RE: Travel Authorization Form [REDACTED]

You are welcome!

Adventure Travel should send you all of your travel information once they verify the travel authorization. If you do not receive your itinerary by Monday morning please let me know.

It is a good idea to carry your travel authorization with you at the airport because occasionally (although very rarely) some of our guests have been asked to show their authorization numbers.

Let me know if you have any other questions.

Best Regards,

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
"J. R. Perez" [REDACTED]



"J. R. Perez"
[REDACTED]
05/11/2006 03:41 PM

To dromig@eac.gov
cc
Subject RE: Travel Authorization Form

Thank you, Devon. I have not heard from the travel agency since I picked the travel times, and do not have an itinerary, nor hotel information. The last time I traveled to the EAC I did not receive this form till afterwards. Is there something I may need this for in advance or during my travel?

J.R. Perez
Elections Administrator
Guadalupe County

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

From: dromig@eac.gov [mailto:dromig@eac.gov]
Sent: Thursday, May 11, 2006 12:12 PM
To: [REDACTED]
Subject: Travel Authorization Form

Mr. Perez,

014620

I have just faxed your travel authorization form.

Best Regards,

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014621



Devon E. Romig/EAC/GOV

05/09/2006 12:52 PM

To "J. R. Perez" [REDACTED] GSAEXTERNAL

cc

bcc

Subject RE: Voter Fraud/Voter Intimidation Working Group, May 18th, 2006

Thank you, I will fax you a copy of your travel authorization form as soon as it is available. Please remember to bring this form with you on your day of travel, there is a small possibility that you may be asked to present this form at the airport.

Best Regards,

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014622



Devon E. Romig/EAC/GOV

06/07/2006 10:08 AM

To Margaret Sims/EAC/GOV

cc jwilson@eac.gov

bcc

Subject Re: Transcript of 5-18-06 Working Group Meeting 

Tim at Carol reporting said the transcript will be here today or tomorrow.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV

06/07/2006 09:47 AM

To dromig@eac.gov, jwilson@eac.gov

cc

Subject Transcript of 5-18-06 Working Group Meeting

Have we had any word about the transcript for the 5-18-06 Voting Fraud-Voter Intimidation Working Group meeting? Our consultants each need a copy so that they can draft the final report? If we have it in electronic form, so much the better. --- Peggy

014623



Devon E. Romig/EAC/GOV

06/07/2006 10:01 AM

To Margaret Sims/EAC/GOV

cc jwilson@eac.gov

bcc

Subject Re: Transcript of 5-18-06 Working Group Meeting

I will call the transcript company and ask them about it.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV

06/07/2006 09:47 AM

To dromig@eac.gov, jwilson@eac.gov

cc

Subject Transcript of 5-18-06 Working Group Meeting

Have we had any word about the transcript for the 5-18-06 Voting Fraud-Voter Intimidation Working Group meeting? Our consultants each need a copy so that they can draft the final report? If we have it in electronic form, so much the better. --- Peggy

014624



Devon E. Romig/EAC/GOV
05/25/2006 02:37 PM

To Margaret Sims/EAC/GOV@EAC
cc
bcc
Subject Summary for VFVI working group meeting

Peggy,

Here is the summary that you requested. Let me know if this works.

Thanks!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov



VFVI Meeting Summary.doc

014625



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

Voting Fraud – Voter Intimidation Working Group Meeting Summary

Overview of Current Research Project

- Current research performed Tova Wang and Job Serebrov
 - the current research has been a challenge because of the need for the information to be collected and analyzed in a scientific manner
 - especially when working the “perception” of intimidation
- Both consultants cross-checked each others work in order to maintain a bipartisan balance
- Literature was anecdotal, not much follow-up on the articles
- No interviews with DA's and only one interview with a judge
- Absentee ballots seemed to be the biggest problem
- The articles found that most of reported vote buying is concentrated in the Midwest and the South
- Very little non-citizen voting, dead voting and impersonation was reported

Purpose of Current Working Group

- To provide background information for current research
- To brainstorm for potential research ideas

Talking Points of Working Group

- Discussion of value of research because of the language of section 241 of HAVA; where is the methodology?
- History of the definition of “fraud”
- Most voter fraud happens outside of the polling centers
- Research must address existing problems, not perceived problems
- Intimidation is a subset of suppression, and considered to be physical or economic threat and/or coercion
- Suppression that is not a form of intimidation is intended to interfere with voting rights and the election process without physical or economic threat and/or coercion
- Department of Justice primarily investigated individual cases of voter fraud
- Risk analysis can be used as an indicator of legitimacy for the need to allocate funding to research in the area of voter fraud
- Current statewide database list will be useful in the deterrence of voter fraud

014626

Ideas for Future EAC Activities

- Bipartisan observers/poll watchers
 - Used in the collection of data
 - Used to deter fraud
- Surveys
 - Survey of state laws
 - Specific states
 - Survey of local election officials
 - Voter surveys (this suggestion was rejected by the panel)
 - Survey state election offices
 - Survey use of administrative complaint procedures
- Follow up on initial reports of fraud/intimidation from the survey of news articles
- Better poll worker training
- Longer hours for polling centers
 - Including hours on weekends
- Fewer polling center locations
 - More qualified poll workers
- Absentee balloting process
 - Methodology of “for cause” absentee voting
- Risk-analysis for voting fraud
 - Who?
 - What part of process?
 - ease of use
 - Which elections?
- Broaden scope of interviews to local officials and district attorneys
- Analysis
 - Phone logs from toll-free lines for election concerns
 - Federal observer reports
 - Local newspapers
 - State District Court Cases
 - Determination of challenging a voter at the polls (in some states there is little or no cause required to challenge a voters eligibility)
- Academic statistical research
- Search and match procedures for voter registration list maintenance and voter fraud identification (subject to confirmation)
- Election courts
- Model statutes

014627



Devon E. Romig/EAC/GOV
05/19/2006 10:15 AM

To Margaret Sims/EAC/GOV@EAC
cc
bcc
Subject Summary of notes for VFVI meeting

Peggy,

Here are the notes from the meeting.



Summary of VFVI Meeting.doc

Thanks!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014628



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

❖ Overview of EAC Research

- Poll worker recruiting, training and retention
- Management guidelines for voting systems
- Vote counting and recounting
- Provisional voting
- Voter Identification

❖ Recommendations for Future Research by Working Group Members

- Bipartisan observers/poll watchers
 - Used in the collection of data
 - Used to deter fraud
- Surveys
 - Survey of state laws
 - Specific states
 - Survey of local election officials
 - Voter surveys (this suggestion was rejected by the panel)
 - Survey state election offices
 - Survey use of administrative complaint procedures
- Follow up on initial reports of fraud/intimidation from the survey of news articles
- Absentee balloting process
 - Methodology of "for cause" absentee voting
- Risk-analysis for voting fraud
 - Who?
 - What part of process?
 - ease of use
 - Which elections?

014629

**Deliberative Process
Privilege**

- Broaden scope of interviews to local officials and district attorneys
- Analysis
 - Phone logs from toll-free lines for election concerns
 - Federal observer reports
 - Local newspapers
- Academic statistical research
- Search and match procedures for voter registration list maintenance and voter fraud identification (subject to confirmation)
- Election courts
- Model statutes



Devon E. Romig/EAC/GOV
05/10/2006 10:44 AM

To Margaret Sims/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Court Reporter for Working Group Meeting 

Great, I will get it scheduled.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV
05/10/2006 10:32 AM

To dromig@eac.gov
cc
Subject Fw: Court Reporter for Working Group Meeting

Devon:

We have the OK from Tom to obtain a court reporter. Per his response (attached), please coordinate with Joyce. Also, I understand the reporter for the Asian Language Working Group arrived late. Please find out how we can ensure the one for our meeting arrives on time. Thanks! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/10/2006 10:31 AM -----

Thomas R. Wilkey/EAC/GOV

05/10/2006 10:29 AM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Fw: Court Reporter for Working Group Meeting [Link](#)

Yes. please let Joyce know and she will get someone
Tom

014631

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

Margaret Sims/EAC/GOV

05/10/2006 10:26 AM

To twilkey@eac.gov
cc DScott@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC
Subject Fw: Court Reporter for Working Group Meeting

Tom:

I understand that EAC hired a court reporter for the Asian Language Working Group meeting. I would like to do the same for the May 18 Voting Fraud-Voter Intimidation Working Group meeting, but I did not include funds in my budget for this service. Do we have funds that could be used for this purpose? (See Devon's cost estimate below.) --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 05/10/2006 10:18 AM ----
Devon E. Romig/EAC/GOV

05/10/2006 09:54 AM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Court reporter

Peggy,

I spoke to the people who usually handle the EAC court reporting. They charge \$9.00 per page with an average of 40 pages per hour. This service would cost about \$1800.00.

The turn around time for the transcript is 10 to 15 days. The transcripts comes in a bound paper copy and an electronic copy.

014632

I can also check around for different prices.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014633



Devon E. Romig/EAC/GOV
05/10/2006 09:54 AM

To Margaret Sims/EAC/GOV@EAC
cc
bcc
Subject Court reporter

Peggy,

I spoke to the people who usually handle the EAC court reporting. They charge \$9.00 per page with an average of 40 pages per hour. This service would cost about \$1800.00.

The turn around time for the transcript is 10 to 15 days. The transcripts comes in a bound paper copy and an electronic copy.

I can also check around for different prices.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014634



Devon E. Romig/EAC/GOV

05/09/2006 04:43 PM

To Margaret Sims/EAC/GOV@EAC

cc

bcc

Subject Hotel for Job

Peggy,

A possible hotel suggestion for Job might be the Sheraton College Park in Beltsville, MD. They have room availability for the nights of the 17th and the 18th for \$159.00 a night.

They have what is called the Sheraton Sweet Sleeper Bed. More information at:

http://www.starwoodhotels.com/promotions/promo_landing.html?category=sweet_sleeper

This hotel is a little out of the way but the members of the Asian Language Working Group and others have stayed there. The hotel does offer a shuttle to and from Reagan airport and the metro.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014635



Devon E. Romig/EAC/GOV

05/09/2006 11:34 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Re: May 18 Meeting 

No, but I have left a message for her assistant and I am waiting for her to return my call. I will let you know as soon as I hear anything.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV

05/09/2006 11:19 AM

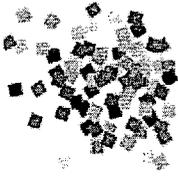
To dromig@eac.gov

cc

Subject May 18 Meeting

Did Barbara Arnwine's office indicate who they propose to send in her place? --- Peggy

014636



Devon E. Romig/EAC/GOV

05/09/2006 11:12 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Fw: May 18th Meeting at EAC

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

----- Forwarded by Devon E. Romig/EAC/GOV on 05/09/2006 11:12 AM -----



"Marvin Brokaw"

<marvin.brokaw@adtrav.com

To dromig@eac.gov

>

cc

05/09/2006 11:04 AM

Subject RE: May 18th Meeting at EAC

Hi Devon:

We have heard from Mark Hearne and Todd Rokita. They are both flying in and out on the 18th and will not need hotel rooms. We're kind of waiting to see if Perez and Rogers need rooms before booking any hotel. As soon as we get approval of Hearne and Rokita air schedules and get them booked, we'll forward their itineraries to you.

Kind Regards,
Marvin

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

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

Sent: Tuesday, May 09, 2006 8:31 AM

To: marvin.brokaw@adtrav.com

Cc: psims@eac.gov

Subject: May 18th Meeting at EAC

Hello Marvin,

I just wanted to follow up with the voicemail message that I left for you yesterday. We will be holding a meeting at our offices in Washington DC on May 18, 2006. I have informed the out of state attendees to contact you for their travel arrangements.

We have been authorized to pay for the attendees airfare and hotel arrangements. Please note that all of the participants are authorized for a two night hotel room stay, as long as the dates are May 17th and 18th.

I attached the list of the meeting participants that will be contacting you about their travel arrangements for the May 18th meeting in Washington DC.

014637

Let me know if you have any questions for me or if you need any more information from me.

Thanks for your help!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014638



Devon E. Romig/EAC/GOV
05/04/2006 12:33 PM

To Margaret Sims/EAC/GOV
cc Edgardo Cortes/EAC/GOV@EAC
bcc
Subject VFVI Working Group

Peggy,

I have called each of the participants. So far I have a definite confirmation from Kathy Rogers.

Here is the list of the out of town participants for the Voter Fraud/Voter Intimidation Project Working Group:

Mark Hearne II - St. Louis, MO
Todd Rokita - Indianapolis, IN
Kathy Rogers - Atlanta, GA

Possible Participant:

Patrick Rogers - New Mexico

Thanks,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

014639



Devon E. Romig/EAC/GOV

05/03/2006 03:23 PM

To Margaret Sims/EAC/GOV

cc

bcc

Subject David Norcross

Peggy,

I just spoke to Mr. Norcross's assistant, he cannot attend the meeting on the 18th, he will be out of town at another event.

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

014640



Devon E. Romig/EAC/GOV

05/03/2006 10:50 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Secretary Rokita's schedule

Peggy,

I just spoke to Nathan Cane (Secretary Rokita's assistant). He did not have any new information but they are going to have a scheduling meeting tomorrow morning and he will ask specifically about the afternoon of May 18th. I also reminded him to find out any of the days that he was not available or any of the days that he had could attend the meeting in the morning or the afternoon.

Thanks,

Devon

014641



Devon E. Romig/EAC/GOV
05/02/2006 01:11 PM

To Margaret Sims/EAC/GOV
cc
bcc
Subject Re: Barbara Arnwine 

Peggy,

I just received an update about Ms. Arnwine's schedule. She is not available on May 9th.

Thanks,

Devon

014642



Devon E. Romig/EAC/GOV
04/24/2006 04:41 PM

To Margaret Sims/EAC/GOV@EAC
cc
bcc
Subject Updated scheduling list and Contact info

Peggy,

Here is the most updated version of the list that I have available.



Work Group Contact-Availability Info.xls

Thanks,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

014643

AVAILABILITY IN MAY

FIRST NAME	LAST NAME	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
Barbara	Arnwine																					
Robert F.	Bauer																					
Craig C.	Donsanto															?	?	?	?	?		
Mark (Thor)	Hearne II								?	?												
David A.	Norcross																					
Todd	Rokita																					
Kathy	Rogers																					
Barry	Weinberg															?	?	?	?	?		

	Available
	Not Available
	Consultants Not Available

014644

VOTING FRAUD-VOTER INTIMIDATION PROJECT WORKING GROUP CONTACT INFORMATION AS OF 4-3-06

FIRST NAME	LAST NAME	TITLE	ADDRESS 1	ADDRESS 2	ADDRESS 3	CITY	STATE	ZIP	SALUTATION	PHONE	FAX
Barbara	Arnwine	Executive Director	Lawyers Committee for Civil Rights Under Law	1401 New York Avenue, NW, Suite 400		Washington	DC	20005	Ms.	202-662-8300	202-783-0857
Robert F.	Bauer	Partner	Perkins Coie, LLP	607 Fourteenth Street		Washington	DC	20005-2011	Mr.	202-434-1602	202-434-1690
Craig C.	Donsanto	Director	Election Crimes Branch	U.S. Department of Justice	1400 New York Avenue, NW, 12th Floor	Washington	DC	20005	Mr.	202-514-1421	202-514-3003
Mark (Thor)	Hearne II	Partner-Member	Lathrop & Gage, LC	The Equitable Building	10 South Broadway,	St. Louis	MO	63102-1708	Mr.	314-613-2522	314-613-2550
David A.	Norcross	Sustaining Member	Blank Rome, LLP	Watergate, Twelfth Floor	600 New Hampshire Avenue, N.W	Washington	DC	20037	Mr.	202-772-5898	202-772-5876
Todd	Rokita	Secretary of State	State House, Room 201	200 West Washington Street		Indianapolis	IN	46204	Secretary	317-232-6531, Asst 317-232-6536	317-233-3283
Kathy	Rogers	Director of Elections	Office of the Secretary of State	West Tower Suite 1104	2 Martin Luther King, Jr. Drive, SE	Atlanta	GA	30334-1505	Ms.	404-657-5380	404-651-9531
Barry	Weinberg								Mr.	301-493-5343	

014645

014646

EMAIL
<u>bamwine@lawyerscommittee.org</u>
[REDACTED]
<u>cdonsanto@usdoj.gov</u>
[REDACTED]
Maria Rivers, Assistant: [REDACTED]
Nathan Cane, Executive Assistant <u>assistant@sos.in.gov</u>
<u>krogers@sos.state.ga.us</u>
[REDACTED]



Devon E. Romig/EAC/GOV

05/09/2006 11:34 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Re: May 18 Meeting 

No, but I have left a message for her assistant and I am waiting for her to return my call. I will let you know as soon as I hear anything.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV

05/09/2006 11:19 AM

To dromig@eac.gov

cc

Subject May 18 Meeting

Did Barbara Arnwine's office indicate who they propose to send in her place? --- Peggy

014647



Devon E. Romig/EAC/GOV
05/09/2006 11:12 AM

To Margaret Sims/EAC/GOV
cc
bcc
Subject Fw: May 18th Meeting at EAC

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

----- Forwarded by Devon E. Romig/EAC/GOV on 05/09/2006 11:12 AM -----



"Marvin Brokaw"

[Redacted]

>
05/09/2006 11:04 AM

To dromig@eac.gov
cc
Subject RE: May 18th Meeting at EAC

Hi Devon:

We have heard from Mark Hearne and Todd Rokita. They are both flying in and out on the 18th and will not need hotel rooms. We're kind of waiting to see if Perez and Rogers need rooms before booking any hotel. As soon as we get approval of Hearne and Rokita air schedules and get them booked, we'll forward their itineraries to you.

Kind Regards,
Marvin

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

From: dromig@eac.gov [mailto:dromig@eac.gov]
Sent: Tuesday, May 09, 2006 8:31 AM
To: [Redacted]
Cc: psims@eac.gov
Subject: May 18th Meeting at EAC

Hello Marvin,

I just wanted to follow up with the voicemail message that I left for you yesterday. We will be holding a meeting at our offices in Washington DC on May 18, 2006. I have informed the out of state attendees to contact you for their travel arrangements.

We have been authorized to pay for the attendees airfare and hotel arrangements. Please note that all of the participants are authorized for a two night hotel room stay, as long as the dates are May 17th and 18th.

I attached the list of the meeting participants that will be contacting you about their travel arrangements for the May 18th meeting in Washington DC.

014648

Let me know if you have any questions for me or if you need any more information from me.

Thanks for your help!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014649



Devon E. Romig/EAC/GOV
05/04/2006 12:33 PM

To Margaret Sims/EAC/GOV
cc Edgardo Cortes/EAC/GOV@EAC
bcc
Subject VFVI Working Group

Peggy,

I have called each of the participants. So far I have a definite confirmation from Kathy Rogers.

Here is the list of the out of town participants for the Voter Fraud/Voter Intimidation Project Working Group:

Mark Hearne II - St. Louis, MO
Todd Rokita - Indianapolis, IN
Kathy Rogers - Atlanta, GA

Possible Participant:

Patrick Rogers - New Mexico

Thanks,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

014650



Devon E. Romig/EAC/GOV
05/03/2006 03:23 PM

To Margaret Sims/EAC/GOV
cc
bcc
Subject David Norcross

Peggy,

I just spoke to Mr. Norcross's assistant, he cannot attend the meeting on the 18th, he will be out of town at another event.

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

014651



Devon E. Romig/EAC/GOV
05/03/2006 10:50 AM

To Margaret Sims/EAC/GOV
cc
bcc
Subject Secretary Rokita's schedule

Peggy,

I just spoke to Nathan Cane (Secretary Rokita's assistant). He did not have any new information but they are going to have a scheduling meeting tomorrow morning and he will ask specifically about the afternoon of May 18th. I also reminded him to find out any of the days that he was not available or any of the days that he had could attend the meeting in the morning or the afternoon.

Thanks,

Devon

014652



Devon E. Romig/EAC/GOV
05/02/2006 01:11 PM

To Margaret Sims/EAC/GOV
cc
bcc
Subject Re: Barbara Arnwine 

Peggy,

I just received an update about Ms. Arnwine's schedule. She is not available on May 9th.

Thanks,

Devon

01/653

Devon E. Romig/EAC/GOV
04/03/2006 04:21 PM

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

Peggy,

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

Thanks,

Devon



TOC-BallotAccess2.doc

Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV
04/03/2006 03:47 PM

To dromig@eac.gov
cc
Subject DOJ Training Materials

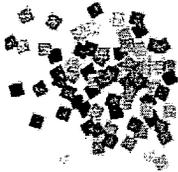
Devon:

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

014654

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Devon E. Romig/EAC/GOV

05/09/2006 11:34 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Re: May 18 Meeting 

No, but I have left a message for her assistant and I am waiting for her to return my call. I will let you know as soon as I hear anything.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV

05/09/2006 11:19 AM

To dromig@eac.gov

cc

Subject May 18 Meeting

Did Barbara Arnwine's office indicate who they propose to send in her place? --- Peggy

014656



Devon E. Romig/EAC/GOV

05/03/2006 10:50 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Secretary Rokita's schedule

Peggy,

I just spoke to Nathan Cane (Secretary Rokita's assistant). He did not have any new information but they are going to have a scheduling meeting tomorrow morning and he will ask specifically about the afternoon of May 18th. I also reminded him to find out any of the days that he was not available or any of the days that he had could attend the meeting in the morning or the afternoon.

Thanks,

Devon

014657



Devon E. Romig/EAC/GOV

05/09/2006 11:34 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Re: May 18 Meeting 

No, but I have left a message for her assistant and I am waiting for her to return my call. I will let you know as soon as I hear anything.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV

05/09/2006 11:19 AM

To dromig@eac.gov

cc

Subject May 18 Meeting

Did Barbara Arnwine's office indicate who they propose to send in her place? --- Peggy

014658



Devon E. Romig/EAC/GOV

05/15/2006 09:51 AM

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

cc psims@eac.gov

bcc

Subject RE: I'm sorry

This article is on the CD, it is located in the "Nexis Article Charts" folder.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
"Tova Wang" <wang@tcf.org>



"Tova Wang"
<wang@tcf.org>

05/15/2006 09:26 AM

To psims@eac.gov

cc dromig@eac.gov

Subject RE: I'm sorry

Thats good. I'm probably just getting crazy, trying to make sure everything is perfect. Devon, maybe you can check? Otherwise I'll check it when it comes. Thanks. And be well Peg.

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

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

Sent: Monday, May 15, 2006 8:23 AM

To: Tova Andrea Wang

Subject: Re: I'm sorry

Tova:

I think you did send this --- or is this a revised version of one you sent earlier? It should be on the CD in the packet you should receive today.. (Can't check that right now as I am at the clinic.) If I put anything on the CD that you want to highlight at the meeting, let me know and we'll make copies for those attending.

Peggy

Sent from my BlackBerry Wireless Handheld

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

From: "Tova Wang" [wang@tcf.org]

Sent: 05/15/2006 09:07 AM

To: Margaret Sims

Cc: Devon Romig

Subject: I'm sorry

014659

I don't think I sent this to you either. Can we hand it out at the meeting as an addendum? Its another summary that would have gone in the news article section. I'm usually so organized, I'm very embarrassed. Too many things! Thanks

Tova Andrea Wang

Democracy Fellow

The Century Foundation

41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

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

[Click here](#) to receive our weekly e-mail updates.

014660



Devon E. Romig/EAC/GOV

05/02/2006 09:45 AM

To wang@tcf.org

cc Margaret Sims/EAC/GOV@EAC

bcc

Subject Voting Fraud/Voter Intimidation Project Working Group

Dear Tova,

I am working with Peggy Sims in order to set a date for the Voting Fraud/Voter Intimidation Project Working Group. I have been trying to reach Barbara Arnwine in order to find out which days in May she is potentially available to attend this meeting but all of my attempts have been unsuccessful.

I would appreciate any help that you could provide in this matter.

Sincerely,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

014661

Jeannie Layson /EAC/GOV
05/09/2007 04:45 PM

To ggordon@mcclatchydc.com
cc
bcc
Subject IG review of EAC

Mr. Gordon,

Per our conversation, EAC chair Donetta Davidson asked our IG to review the circumstances surrounding both the voter ID and vote fraud and voter intimidation projects. Go here for more info, which includes some of the inquiries we've gotten from Congress about these projects.

I'm already working on your request, and I will keep you apprised of my progress. Call if you need anything or have questions about the material you just picked up.

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

014662

Jeannie Layson /EAC/GOV
05/09/2007 01:28 PM

To "Gordon, Greg"
<ggordon@mcclatchydc.com>@GSAEXTERNAL
cc
bcc
Subject RE: Your FOIA request

No problem. I can't WAIT to get the new request. See you later this afternoon.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
"Gordon, Greg" <ggordon@mcclatchydc.com>



"Gordon, Greg"
<ggordon@mcclatchydc.com>
>
05/09/2007 01:26 PM
To jlayson@eac.gov
cc
Subject RE: Your FOIA request

I'll get the new request to you this afternoon and will phone you before walking over. Thanks, Jeanne.

Greg Gordon
National Correspondent
McClatchy Newspapers Washington Bureau
202-383-0005
ggordon@mcclatchydc.com
Visit McClatchy's 31 daily newspapers, including the Miami Herald, Sacramento Bee, Ft. Worth Star-Telegram, Kansas City Star, Charlotte Observer, Raleigh News & Observer and others, at www.mcclatchy.com.

From: jlayson@eac.gov [mailto:jlayson@eac.gov]
Sent: Wednesday, May 09, 2007 12:25 PM
To: Gordon, Greg
Subject: Your FOIA request

Hello Greg,
Just following up from our conversation yesterday -- your FOIA request regarding emails b/w staff and commishes and Tova Wang and Job Serebrov is ready. I can have someone walk it over if you want. Also, don't forget to send your other request, which as I understood it is emails/correspondence b/w DOJ and EAC commissioners and staff regarding vote fraud and voter intimidation. If that's the case, I'll go ahead and start pulling this info.

Thanks. If you need to call me my number is 202-566-3103.

014663

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

014664

Jeannie Layson /EAC/GOV
05/04/2007 02:36 PM

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

cc

bcc

Subject Wendy Weiser

Just wanted to let you know that I called her today to tell her that I would be sending some responsive documents per her FOIA request about the vote fraud project that were not included in my previous response. Mostly these are emails that were not provided to me before, as well as a few memos and letters that were also not provided.

She said she was getting ready to send an appeal based on the belief that I did not provide her all of the emails and relevant letters, memos, and other documents. She noted that most of the emails involved only two EAC staffers. I explained that the new documents I was sending would include emails from additional staffers. However, I believe the bulk of what she has includes CCs of other staffers, so another search would only turn up duplicates, but I will verify that.

Wendy also asked about all of the attachments in the emails. I told her it would have taken many months to print all of those out and make the determination whether they were releasable under FOIA. She offered to identify the attachments they would like to see, and I told her that would be helpful. She also noted that in my letter, I estimated that she was received about 1,500 pages. She said they counted and there were only 800. I told her I estimated the page count, and she accepted that.

I asked her if she would consider holding off on the appeal until she received the additional documents, as they may satisfy her appeal. She agreed, and I told her I would send everything by the end of next week. She also requested that I send a scanned copy. I explained that only one of our scanners was working, and that it did not have the capacity to scan huge files.

I will keep you apprised...

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

014665

Jeannie Layson /EAC/GOV
05/04/2007 10:12 AM

To Curtis Crider/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
bcc
Subject FOIA requests

Curtis,

In reference to FOIA requests about the vote fraud and voter intimidation and voter ID projects, and whether EAC should respond while the Office of Inspector General reviews circumstances surrounding these projects, I have come to a decision regarding this issue. After speaking with EAC's general counsel and reviewing your response to the chair's questions about communication during your review, I conclude that as EAC's FOIA officer, I must continue to follow the law and respond to FOIA requests regarding these topics. I will certainly provide copies of my responses to your reviewers and answer any questions you have. However, per your recommendation, I will decline answering questions from the media and the public until your review is complete. Please let me know if you have questions, and I appreciate your cooperation and counsel in this matter.

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

014666

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

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

Jeannie:

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

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

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

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

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

- First, the consultants stated that DOJ was not pursuing voter suppression cases. Tanner responded that "[t]he Department has brought two 11(b) cases, one of the two in this Administration. The focus of DOJ activity has shifted, in fact, to voter suppression as there are fewer cases over voter dilution (challenges to at-large election systems, etc.) being brought by anyone as the number of jurisdictions with at-large election systems has shrunk dramatically. This Administration has, in fact, brought far more voter-suppression cases ... than ever in the past, including a majority of all cases under Sections 203 and 208 of the Act, and such key recent Section 2 cases as US v. City of Boston and US v. Long County, Georgia."
- Second, the consultants implied that DOJ is not pursuing instances of unequal implementation of ID rules. Tanner's response was that "[c]hallenges based on race and unequal implementation of ID rules are indeed actionable and we have brought lawsuits, such as in Boston and Long County; we have not identified instances of such discrimination in which we have not taken action."

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

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

014667

2. Exactly what did we change and why?

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

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

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

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
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Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV

04/18/2007 12:17 PM

To psims@eac.gov

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

Subject Need your help ASAP

Peg,

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

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

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Juliet E. Hodgkins/EAC/GOV

04/18/2007 12:19 PM

To Jeannie Layson/EAC/GOV@EAC

cc

bcc

Subject Re: Need your help ASAP 

History:  This message has been replied to.

I sent this comparison to the committee. It shows in track changes the changes that were made to the interview summaries (I assume that is what you are looking for).



Summaries of Interviews with Donsanto-Tanner revised.pdf

Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
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(202) 566-3100
Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV

04/18/2007 12:17 PM

To psims@eac.gov

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

Wilkey/EAC/GOV@EAC

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014670

Deliberative Process Privilege

Interview with Craig Donsanto, Director, Elections Crimes Branch, Public Integrity
Section, U.S. Department of Justice

January 13, 2006

The Department of Justice's (DOJ) Election Crimes Branch is responsible for supervising federal criminal investigations and prosecutions of election crimes.

Questions

How are Prosecution Decisions Made?

Craig Donsanto must approve all investigations that go beyond a preliminary stage, all charges, search warrant applications and subpoenas and all prosecutions. The decision to investigate is very sensitive because of the public officials involved. If a charge seems political, Donsanto will reject it. Donsanto gives possible theories for investigation. Donsanto and Noel Hillman will decide whether to farm out the case to an Assistant U.S. Attorney (AUSA). Donsanto uses a concept called predication. In-other-words, there must be enough evidence to suggest a crime has been committed. The method of evaluation of this evidence depends on the type of evidence and its source. There are two types of evidence---factual (antisocial behavior) and legal (antisocial behavior leading to statutory violations). Whether an indictment will be brought depends on the likelihood of success before a jury. Much depends on the type of evidence and the source. Donsanto said he "knows it when he sees it." Donsanto will only indict if he is confident of a conviction assuming the worst case scenario – a jury trial.

A person under investigation will first receive a target letter. Often, a defendant who gets a target letter will ask for a departmental hearing. The defendant's case will be heard by Donsanto and Hillman. On occasion, the assistant attorney general will review the case. The department grants such hearings easily because such defendants are likely to provide information about others involved.

The Civil Rights Division, Voting Rights Section makes its own decisions on prosecution. The head of that division is John Tanner. There is a lot of cooperation between the Voting Section and the Election Crimes Branch.

Does the Decision to Prosecute Incorporate Particular Political Considerations within a State Such as a One Party System or a System in which the Party in Power Controls the Means of Prosecution and Suppresses Opposition Complaints?

Yes. Before, the department would leave it to the states. Now, if there is racial animus involved in the case, there is political bias involved, or the prosecutor is not impartial, the department will take it over.

Does it Matter if the Complaint Comes from a Member of a Racial Minority?

014671

No. But if the question involves racial animus, that has also always been an aggravating factor, making it more likely the Department will take it over

What Kinds of Complaints Would Routinely Override Principles of Federalism?

Federalism is no longer big issue. DOJ is permitted to prosecute whenever there is a candidate for federal office on the ballot.

Are There Too Few Prosecutions?

DOJ can't prosecute everything.

What Should Be Done to Improve the System?

The problem is asserting federal jurisdiction in non-federal elections. It is preferable for the federal government to pursue these cases for the following reasons: federal districts draw from a bigger and more diverse jury pool; the DOJ is politically detached; local district attorneys are hamstrung by the need to be re-elected; DOJ has more resources – local prosecutors need to focus on personal and property crimes--fraud cases are too big and too complex for them; DOJ can use the grand jury process as a discovery technique and to test the strength of the case.

In *U.S. v. McNally*, the court ruled that the mail fraud statute does not apply to election fraud. It was through the mail fraud statute that the department had routinely gotten federal jurisdiction over election fraud cases. 18 USC 1346, the congressional effort to "fix" *McNally*, did not include voter fraud.

As a result, the department needs a new federal law that allows federal prosecution whenever a federal instrumentality is used, e.g. the mail, federal funding, interstate commerce. The department has drafted such legislation, which was introduced but not passed in the early 1990s. A federal law is needed that permits prosecution in any election where any federal instrumentality is used.

Other Information

The Department has held four symposia for District Election Officers (DEOs) and FBI agents since the initiation of the Ballot Access and Voting Integrity Initiative. In 2003, civil rights leaders were invited to make speeches, but were not permitted to take part in the rest of the symposium. All other symposia have been closed to the public. ~~(Peg will be sending us the complete training materials used at those sessions. These are confidential and are the subject of FOIA litigation).~~

There are two types of attorneys in the division: prosecutors, who take on cases when the jurisdiction of the section requires it; the US Attorney has recused him or herself; or when the US Attorney is unable to handle the case (most frequent reason) and braintrust attorneys who analyze the facts, formulate theories, and draft legal documents.

Cases:

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Donsanto provided us with three case lists: ~~Open~~ cases (still being investigated) as of January 13, 2006 – confidential; election fraud prosecutions and convictions as a result of the Ballot Access and Voting Integrity Initiative October 2002-January 13, 2006; and cases closed for lack of evidence as of January 13, 2006.

If we want more documents related to any case, we must get those documents from the states. The department will not release them to us.

Although the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate complaints of fraud, *the number of cases that the department is investigating and the number of indictments the department is pursuing are both up dramatically.*

Since 2002, the department has brought more cases against alien voters, felon voters, and double voters than ever before. Previously, cases were only brought against conspiracies when there was a pattern or scheme to corrupt the process rather than individual offenders acting alone. For deterrence purposes, charges were not brought against individuals—those cases went un-prosecuted. This change in direction, focus, and level of aggression was by the decision of the Attorney General. The reason for the change was for deterrence purposes he Attorney General decided to add the pursuit of individuals who vote when not eligible to vote (noncitizens, felons) or who vote more than once.

The department is currently undertaking three pilot projects to determine what works in developing the cases and obtaining convictions and what works with juries in such matters to gain convictions:

1. Felon voters in Milwaukee.

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2. Alien voters in the Southern District of Florida. FYI – under 18 USC 611, to prosecute for “alien voting” there is no intent requirement. Conviction can lead to deportation. Nonetheless, the department feels compelled to look at mitigating factors such as was the alien told it was OK to vote, does the alien have a spouse that is a citizen.

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3. Double voters in a variety of jurisdictions.

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The department does not maintain records of the complaints that come in from DEOs, U.S attorneys and others during the election that are not pursued by the department. Donsanto asserted that U.S. attorneys never initiate frivolous investigations.

According to the new handbook, the department can take on a case whenever there is a federal candidate on the ballot

014673

Interview with John Tanner, ~~Director~~ Chief, Voting Section, Civil Rights Division,
U.S. Department of Justice

February 24, 2006

The Department of Justice's (DOJ) Voting Section is charged with the civil enforcement of the Voting Rights Act, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the National Voter Registration Act (NVRA), and Title III of the Help America Vote Act (HAVA).

Note: Mr. Tanner's reluctance to share data, information and his perspective on solving the problems presented an obstacle to conducting the type of interview that would help inform this project as much as we would have hoped. Mr. Tanner would not give us any information about or data from the section's election complaint intake phone logs; data or even general information from the Interactive Case Management (ICM) system its formal process for tracking and managing work activities in pursuing complaints and potential violations of the voting laws; and would give us only a selected few samples of attorney observer reports, reports that every Voting Section attorney who is observing elections at poll sites on Election Day is required to submit. He would not discuss in any manner any current investigations or cases the section is involved in. He also did not believe it was his position to offer us recommendations as to how his office, elections, or the voting process might be improved.

Authority and Process

The Voting Section, in contrast to the Public Integrity Section as Craig Donsanto described it, typically focuses looks only on ~~not~~ systemic problems resulting from government action or inaction, not problems caused by individuals. Indeed, the section never goes after individuals because it does not have the statutory authority to do so. In situations in which individuals are causing problems at the polls and interfering with voting rights, the section calls the local election officials to resolve it.

Federal voting laws enforced by the section only apply to state action, so the section only sues state and local governments – it does not have any enforcement power over individuals. Most often, the section enters into consent agreements with governments that focus on poll worker training, takes steps to restructure how polls are run, and deals with problems on Election Day on the spot. Doing it this way has been most effective – for example, while the section used to have the most observers in the South, with systematic changes forced upon those jurisdictions, ~~have made it so now~~ the section now does not get complaints from the South.

The section can get involved even where there is no federal candidate on the ballot if there is a racial issue under the 14th and 15th Amendments.

When the section receives a complaint, attorneys first determine whether it is a matter that involves ~~of~~ individual offenders or a systemic problem. When deciding what to do

with the complaint, the section errs on the side of referring it criminally to avoid having any because they do not want civil litigation to complicate a possible criminal case.

When a complaint comes in, the attorneys ask questions to see if there are even problems there that the complainant is not aware are violations of the law. For example, in the Boston case, the attorney did not just look at Spanish language cases under section 203, but also brought a Section 2 case for violations regarding Chinese and Vietnamese voters. When looking into a case, the attorneys look for specificity, witnesses and supporting evidence.

Often, lawsuits bring voluntary compliance.

Voter Intimidation

Many instances of what some people refer to as voter intimidation are more unclear now. For example, photographing voters at the polls has been called intimidating, but now everyone is at the polls with a camera. It is hard to know when something is intimidation and it is difficult to show that it was an act of intimidation.

The fact that both parties are engaging in these tactics now makes it more complicated. It makes it difficult to point the finger at any one side.

The inappropriate use of challengers on the basis of race would be a violation of the law. Mr. Tanner was unaware that such allegations were made in Ohio in 2004. He said there had never been a formal investigation into the abusive use of challengers.

Mr. Tanner said a lot of the challenges are legitimate because you have a lot of voter registration fraud as a result of groups paying people to register voters by the form. They turn in bogus registration forms. Then the parties examine the registration forms and challenge them because 200 of them, for example, have addresses of a vacant lot.

However, Mr. Tanner said the Department was able to informally intervene in challenger situations in Florida, Atkinson County, Georgia and in Alabama, as was referenced in a February 23 Op-Ed in USA Today. Mr. Tanner reiterated the section takes racial targeting very seriously.

Refusal to provide provisional ballots would be a violation of the law that the section would investigate.

Deceptive practices are committed by individuals and would be a matter for the Public Integrity Section. Local government would have to be involved for the ~~voting~~ Voting Section to become involved.

Unequal implementation of ID rules, or asking minority voters only for ID would be something the section would go after. Mr. Tanner was unaware of allegations of this in 2004. He said this is usually a problem where you have language minorities and the poll workers cannot understand the voters when they say their names. The section has never

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formally investigated or solely focused a case based on abuse of ID provisions. However, implementation of ID rules was part of the Section 2 case in San Diego. Mr. Tanner reiterated that the section is doing more than ever before.

When asked about the section's references to incidents of vote fraud in the documents related to the new state photo identification requirements, Mr. Tanner said the section only looks at retrogression, not at the wisdom of what a legislature does. In Georgia, for example, everyone statistically has identification, and more blacks have ID than whites. With respect to the letter to Senator Kit Bond regarding voter ID, the section did refer to the perception of concern about dead voters because of reporting by the Atlanta Journal-Constitution. It is understandable that when you have thousands of bogus registrations that there would be concerns about polling place fraud. Very close elections make this even more of an understandable concern. Putting control of registration lists in the hands of the states will be helpful because at this higher level of government you find a higher level of professionalism.

It is hard to know how much vote suppression and intimidation is taking place because it depends on one's definition of the terms – they are used very loosely by some people. However, the enforcement of federal law over the years has made an astounding difference so that the level of discrimination has plummeted. Registration of minorities has soared, as can be seen on the section's website. Mr. Tanner was unsure if the same was true with respect to turnout, but the gap is less. That information is not on the section's website.

The section is not filing as many Section 2 cases as compared to Section 203 cases because many of the jurisdictions sued under Section 2 in the past do not have issues anymore. Mr. Tanner said that race based problems are rare now.

NVRA has been effective in opening up the registration process. In terms of enforcement, Mr. Tanner said they do what they can when they have credible allegations. There is a big gap between complaints and what can be substantiated. Mr. Tanner stated that given the high quality of the attorneys now in the section, if they do not investigate it or bring action, that act complained of did not happen.

Recommendations

Mr. Tanner did not feel it was appropriate to make recommendations.

Note: Mr. Tanner's reluctance to share data, information and his perspective on solving the problems presented an obstacle to conducting the type of interview that would help inform this project as much as we would have hoped. We did not have access to any information about or data from the section's election complaint in-take phone logs or data or even general information from the Interactive Case Management (ICM) system-its formal process for tracking and managing work activities in pursuing complaints and potential violations of the voting laws. Only a selected few samples of attorney-observer reports were provided, reports that every Voting Section attorney who is observing

elections at poll sites on Election Day is required to submit. Mr. Tanner would not discuss any current investigations or cases the section is involved in.

014677

Margaret Sims /EAC/GOV
04/17/2007 01:27 PM

To Jeannie Layson/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC
bcc
Subject Re: Vote fraud report 

As far as I know, you are absolutely correct! Julie did the bulk of the rewrite and used my analyses of the preliminary info submitted by our contractors. I know that I had no contact with the administration regarding this study. --- Peggy

Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV
04/17/2007 01:16 PM

To psims@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC,
jthompson@eac.gov
cc
Subject Vote fraud report

The St. Louis Post Dispatch wrote an editorial that said the administration edited our report. I am almost absolutely sure that is not true, but I wanted to confirm that with you before I request a correction. Thanks.

Jeannie Layson
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014678

Juliet E. Hodgkins/EAC/GOV

04/17/2007 01:25 PM

To Jeannie Layson/EAC/GOV@EAC

cc

bcc

Subject Re: Vote fraud report 

I did not request that the White House or administration review our report, nor did I send it to them.

Juliet T. Hodgkins
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Washington, DC 20005
(202) 566-3100
Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV

04/17/2007 01:16 PM

To psims@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC,
jthompson@eac.gov

cc

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014679



Sheila A. Banks/EAC/GOV
04/17/2007 11:28 AM

To jlayson@eac.gov
cc
bcc
Subject Statement for PDF'ing

History:  This message has been replied to



Hillman Statement on the release of the voting fraud report 12.01.06 (DRAFT).doc



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
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**STATEMENT BY ELECTION ASSISTANCE COMMISSIONER GRACIA HILLMAN ON
“THE EAC REPORT ON VOTING FRAUD AND VOTER INTIMIDATION STUDY”**

Washington, D.C. – December 7 – Today the Election Assistance Commission (EAC) voted on the findings of the “Voting Fraud and Voter Intimidation Study” and accepted recommendations to conduct a comprehensive study to assess all claims, charges and prosecutions of voting crimes. This report, which was largely based on anecdotal information, was months in development and is the result of two independent researchers’ assessment of what characterizes voting fraud and voter intimidation in the United States.

Today’s vote sets in motion the EAC’s acceptance of the researchers’ and subsequent working group’s core recommendation that the matter of voting fraud and voter intimidation deserves more than just an anecdotal assessment, but rather a “comprehensive survey and study of the information available from investigatory agencies, prosecutorial bodies and courts on the number and types of complaints, charges and prosecutions of election crimes” based on “hard data on complaints, charges and prosecutions”.

While I would have liked this report to have been made to the recent 2006 mid-term elections, I am confident that the EAC is on the right path toward next steps which include:

- 1) A comprehensive survey/study on voting fraud and voter intimidation based on hard data by the end of calendar year 2007, and
- 2) By mid-2008, a set of standards/best practices for state election officials and prosecuting authorities to use in assessing legitimate claims and bringing them to justice.

For the EAC’s full report and news release on the “Voting Fraud and Voter Intimidation Study” please visit www.eac.gov.

014681

Rosemary E.
Rodriguez/EAC/GOV
04/12/2007 12:25 PM

To Jeannie Layson/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, bwhitener@eac.gov,
Caroline C. Hunter/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Elieen L.
bcc
Subject Re: FOIA Request

I do not have anything. Thanks.

Rosemary E. Rodriguez
Commissioner
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Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV
04/12/2007 08:38 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
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bwhitener@eac.gov,
cc
Subject FOIA Request

Today I will circulate a formal FOIA request to all of you. Please note that this request is from a journalist. The information I circulate will include a copy of the original request, which was made by the DC bureau of McClatchy Newspapers. An abbreviated version of the request follows:

"Copies of all emails between Job Serebrov and Election Assistance Commission staff or members and all emails between Tova Wang and commission staff or members pertaining to a voter fraud study the two were contracted to perform for EAC."

Some of you have provided similar information in the past, but I will need another complete submission that includes any related files that may have been generated since your last submission.

Please anticipate a formal request to be distributed to everyone today, and take note that the deadline to provide this information is April 30. Thank you.

Jeannie Layson
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014683



Sheila A. Banks/EAC/GOV
04/12/2007 11:14 AM

To jlayson@eac.gov
cc
bcc
Subject Research Document



Voter_Intimidation Synopsis.doc

Statement	Respondents	Source of Data
<p>There is little polling place fraud or at least much less than is claimed, including voter impersonation, "dead" voters, non-citizen voting and felon voters.</p>	<p>Harry Van Sickle & Larry Boyle</p> <p>Sharon Priest</p> <p>Douglas Webber</p> <p>John Ravitz</p> <p>Kevin Kennedy</p> <p>Lori Minnite</p> <p>Wendy Weiser</p> <p>Neil Bradley</p>	<p>No data support. Cited local case of voter intimidation.</p> <p>No data support - anecdotal references.</p> <p>No prosecuted cases of polling place fraud, "but it does happen".</p> <p>No data source.</p> <p>Wisconsin case in spring of 2003 or 2004.</p> <p>Securing the Vote report</p> <p>Brennan Center report.</p> <p>No data source.</p>
<p>New Identification requirements are the modern version of voter intimidation and suppression.</p>	<p>Joe Rich</p> <p>Wade Henderson</p> <p>Bill Groth</p> <p>Heather Dawn Thompson</p>	<p>No data source.</p> <p>No data source.</p> <p>No data source.</p> <p>Cases in South Dakota – No ID, can't vote; some voters lived up to 60 miles away and suppression by party structures.</p> <p>Cases in Minnesota – would not allow tribal ID.</p>