

Subject IG Press Release

Commissioners,

Per the chair's request, I have drafted the following press release to communicate the commission's decision to ask the IG to review our contract procedures. Please let me know if this is okay with all of you. I would like this to go out ASAP, so if you could get back to me with any comments before noon, I would appreciate it. Sorry for the short turnaround, but I think circumstances demand that this get out immediately. Thank you.

After you give me the okay on the press release, I will send everything to staff before releasing it.



EAC IGRequest 04-16-07.doc

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

015288



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

## **EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects**

For Immediate Release  
April 16, 2007

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

**WASHINGTON** – U.S. Election Assistance Commission (EAC) Chair Donetta Davidson today issued a formal request to the commission’s inspector general to conduct a review of the commission’s contracting procedures, including a review of two recent projects focusing on voter identification and vote fraud and voter intimidation. The chair’s memo to the inspector general is attached.

“The actions taken by the commission regarding these research projects have been challenged, and the commissioners and I agree that it is appropriate and necessary to ask the inspector general to review this matter,” said EAC Chair Davidson.

Chair Davidson has requested that the inspector general specifically review the circumstances surrounding the issuance and management of the voter identification research project and the vote fraud and voter intimidation research project.

Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification laws after concluding that initial research it received in a report was not sufficient to draw any conclusions. The commission declined to adopt the report, but released all of the data to the public. The report and the research, conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, are available at [www.eac.gov](http://www.eac.gov).

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###

Caroline C. Hunter/EAC/GOV  
04/16/2007 11:38 AM

To Jeannie Layson/EAC/GOV@EAC  
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,  
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.  
Rodriguez/EAC/GOV@EAC, Thomas R.  
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I was referring to the fraud study and why we did not release the contractor's report

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Jeannie Layson/EAC/GOV  
04/16/2007 12:01 PM

To Caroline C. Hunter/EAC/GOV@EAC  
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,  
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.  
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Jeannie Layson/EAC/GOV  
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015296

Rosemary E.  
Rodriguez/EAC/GOV  
04/16/2007 12:19 PM

To Jeannie Layson/EAC/GOV  
cc Caroline C. Hunter/EAC/GOV@EAC, Donetta L.  
Davidson/EAC/GOV@EAC, ghillman@eac.gov, Juliet E.  
Hodgkins/EAC/GOV@EAC, Thomas R.  
bcc  
Subject Re: IG Press Release 

Since it's Donetta's statement, I think she should her consent is important. I don't see a need to defend our actions in this release but simply to announce that we have asked the IG to take a look.

Rosemary E. Rodriguez  
Commissioner  
United States Election Assistance Commission  
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Washington, D.C. 20005  
Telephone: 202-566-3104  
Facsimile: 202-566-3127  
www.eac.gov  
rrodriguez@eac.gov

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015299



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Deliberative Process  
Privilege

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###

015301

Jeannie Layson/EAC/GOV  
04/16/2007 03:18 PM

To EAC Personnel, [REDACTED]  
cc  
bcc  
Subject Chair requests internal review

Hello everyone,

I wanted to notify you that Chair Davidson, in agreement with the other three commissioners, has requested that our IG -- Curtis Crider -- conduct a review of our contracting procedures surrounding the voter identification and vote fraud and voter intimidation research projects. Very shortly, I will distribute her request along with a press release to the media and to all our stakeholders. However, she wanted to make sure the staff was fully informed about this action before we make this news public.

The chair's request, the press release and all of the materials referenced in her request will be available on the home page under Announcements very shortly. Please direct anyone with questions about this action to the website. And let me know if you have questions about any of this information or if I can be of assistance answering questions from the public about this issue.

The chair wants to convey to everyone how much she appreciates your hard work, and that she is confident in our ability to work with Curtis to resolve this issue. Tom would like staff to join him at 3:30 today in the large conf. room upstairs to answer any questions you have.



2007-13 ( 4-16-07 ) EAC Requests Review of Voter ID, Fraud & Intimidation Research Projects.pdf  
Jeannie Layson  
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**Deliberative Process  
Privilege**

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015303



**April 16, 2007**

**MEMORANDUM**

**To:** EAC Inspector General Curtis Crider  
**Fr:** EAC Chair Donetta Davidson  
**Cc:** Commissioners Rodriguez, Hillman and Hunter, Tom Wilkey, and Julie Hodgkins  
**RE:** EAC requests review of contracting procedures

On Friday, April 13, each of my three colleagues – Rosemary Rodriguez, Gracia Hillman, and Caroline Hunter -- agreed with my recommendation that we issue the following formal request to the Commission’s Office of Inspector General to review the circumstances surrounding two recent EAC research projects – vote fraud and voter intimidation and voter identification.

**Background**

The U.S. Election Assistance Commission (EAC) is an independent, bipartisan Commission created by the Help America Vote Act (HAVA) of 2002.

EAC develops guidance to meet HAVA requirements, adopts voluntary voting system guidelines, accredits voting system test laboratories, certifies voting systems and audits the use of HAVA funds. HAVA also directs EAC to maintain the national mail voter registration form developed in accordance with the National Voter Registration Act (NVRA) of 1993.

The Commission serves as a national clearinghouse and resource of information regarding election administration. It is under the Commission’s clearinghouse role that research projects are conducted with the goal of providing information that will lead to improvements in election administration, as well as inform the public about how, where and when we vote.

The voter identification research was conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics (“Contractor”). The contract, awarded in May 2005, required the Contractor to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches. Last month, the commission voted

015304

unanimously not to adopt the report, citing concerns with its methodology, but voted to release all of the data provided by the Contractor.

The vote fraud and voter intimidation research was conducted by Tova Wang and Job Serebrov ("Consultants"). The contracts, awarded in September 2005, issued to these Consultants tasked them with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the Consultants were responsible for "creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future EAC research resulting from this effort."

### **Review Request**

The actions taken by the Commission regarding both the voter identification and the vote fraud and voter intimidation research projects have been challenged. Specifically, Members of Congress, the media, and the public have suggested that political motivations may have been part of the Commission's decision making process regarding these two projects. Also, the Commission has been criticized for the amount of taxpayer dollars that were spent on these two projects, as well as how efficiently these projects were managed.

The Commission takes these allegations very seriously, and we request that you fully review the following issues and provide the Commission and the Congress with a report of your findings as soon as possible. The Commission stands ready to assist you in these efforts and will provide whatever information, including memos, emails and other documents you will need. Cooperating with your review will be the staff's top priority.

1. Current Commission policy regarding awarding and managing research contracts.
2. Issuance and management of the vote fraud and voter intimidation contract.
3. Circumstances surrounding the receipt of information from Consultants regarding the vote fraud and voter intimidation project.
4. Circumstances surrounding staff efforts to write a final report for Commission consideration.
5. Identification of staff members who assisted in the editing and collaboration of the final vote fraud and voter intimidation report for Commission consideration.
6. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the vote fraud and voter intimidation project.
7. Circumstances surrounding Commission discussion and deliberation of final adoption of *Election Crimes: An Initial Review and Recommendation for Further Study*.
8. Issuance and management of the voter identification contract.
9. Circumstances surrounding the receipt of information from Contractor regarding the voter identification report.
10. Identification of staff members who assisted in the editing, collaboration, and recommendation to the Commission regarding final adoption of the voter identification report.

11. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the voter identification project.
12. Circumstances surrounding Commission deliberation whether to adopt a final voter identification report.

For your information, I have attached statements and related correspondence from Members of Congress, and a statement issued by the Commission regarding the criticism.

It is our hope that your findings will instruct us how to move forward in a more efficient, effective and transparent manner. The Commission takes its mandates under HAVA very seriously, and this small Commission has an enormous amount of work to conduct, including testing and certifying voting equipment, providing guidance and assistance to election officials, and auditing the proper use of the \$3.1 billion that was distributed under HAVA.

We look forward to your findings so that we may take the actions necessary to improve the way we conceive research projects, manage research contracts, and make decisions regarding the final release of data provided to the Commission from a third party.

**United States Senate**  
**WASHINGTON, DC 20510**

April 12, 2007

The Honorable Donetta Davidson  
Chairman  
U.S. Election Assistance Commission  
1225 New York Avenue, N.W.  
Suite 1100  
Washington, DC 20005

Dear Commissioner Davidson:

We are writing to seek a response to very troubling news reports that included allegations that the Commission may have altered or delayed release of two taxpayer-funded studies of election issues for political purposes.

While the Commission is within its rights to decide what guidance it issues to election officials, it is critical that its actions are not perceived as politically motivated and it is imperative that you provide full documentation about the Commission's proceedings on these matters.

On Wednesday, the *New York Times* reported that a bipartisan team of election law experts hired by the Commission to research voter fraud in federal elections found that there was little such fraud around the nation, but the Commission revised the report to say that the pervasiveness of voter fraud was still open to debate.

On Monday, *Roll Call* reported that the Commission two weeks ago rejected the findings of a report, prepared as part of a \$560,000 contract with Rutgers University's Eagleton Institute and Ohio State University's Moritz College of Law. That report found that voter identification laws may reduce election turnout, especially by minorities.

015307

Commissioner Davidson

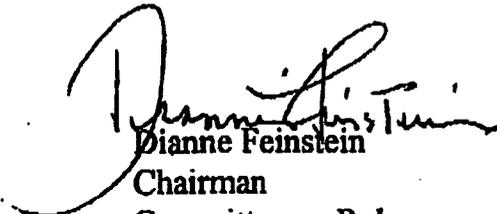
- 2 -

April 12, 2007

It is imperative that the Commission's actions and deliberations are unbiased, free from political influence and transparent. While the Commission does not have to agree with the experts who perform its research, it should make the research available unfettered and unfiltered.

Attached are a series of questions, we would like the Commission to address. We look forward to your timely response.

Sincerely,



Dianne Feinstein  
Chairman  
Committee on Rules  
and Administration



Richard J. Durbin  
Chairman  
Subcommittee on Financial  
Services and General  
Government  
Committee on Appropriations

015308

We request information and documentation from the Commission that answer the following questions:

**COMMISSION'S OVERSIGHT ON EAGLETON CONTRACT TO PERFORM A STUDY ON VOTER IDENTIFICATION**

1. Did the Commissioners or Commission senior staff receive any outside communication or pressure to change or not release the entire draft report or portions of the draft language on the voter fraud report? If so, who made those requests?
2. Would you please provide a copy of the approved Request For Proposals, as well as any contract modifications that were agreed to between the Commission and Eagleton Institute and subcontractors?
3. Can you provide the names and qualifications of Election Assistance Commission staff that worked on the Eagleton Institute project?
4. Please indicate how many project meetings occurred during the term of the Eagleton contract, including in-person meetings, conference calls regarding the status of the report, and any meeting where Commissioners were present for at least part of the meeting. Please provide copies of any minutes from those meetings.
5. Please identify the names and affiliations of members of the Peer Review group or groups that examined the Eagleton Institute drafts. Please also indicate the dates upon which any such review of the Eagleton research was conducted, and the specific concerns or complaints that were raised by members of the Peer Review group as to either the analysis or statistical methodology, if any. Please provide copies of any minutes from those meetings.
6. If certain members of the Peer Review groups had concerns with the data or methodology of the Eagleton study, was that information communicated to Eagleton, and were any changes made to the study based on Peer Review group concerns with methodology or data?
7. Who were the individuals (and what were their academic qualifications) that advised the Commission that the data, methodology, or the results of the Eagleton Contract were so flawed that the Commission should reject the report? At what point did the Commission receive input from those individuals?

8. The Commission previewed its research on the Eagleton Institute's study on Provisional Voting at its May 2006 Advisory Board meetings—why was the Voter Identification Draft Study not discussed at that time? What is the status of the Provisional Voting report?
9. In rejecting the Eagleton report, the Commission indicated concerns that there was only one year's worth of data. Given that this was the first year that Commission had studied the results, isn't "one year" what was originally contemplated in the Eagleton contract? Isn't the reason for having a major research institute conduct this study is so they can draw initial assessments from that data—even though that data can be augmented in future years? Because of the rejected report, will the Commission start anew for research in the 2008 elections?
10. What was the final, total cost of the Eagleton contract, and what was produced or released by that Commission as a result of that contract?

#### **COMMISSION'S OVERSIGHT OVER VOTER FRAUD/INTIMIDATION STUDY**

1. Did the Commissioners or Commission senior staff receive any outside communication or pressure to change or not release the entire draft report or portions of the draft language on the voter fraud report? If so, who made those requests?
2. Given the bipartisan nature of the Working Group that guided the Voter Fraud/Intimidation report, and the bipartisan nature of the contracted experts who uniformly support the results of this report, what concerns lead the Commission to determine the report should not be released?
3. If there were points in the report that the Commission objected to, were there attempts to work with the contractors to deal with specific concerns? If there were such attempts, please describe them.

4. Who drafted the Commission summary (released in December, 2006) of the Voter Fraud/Intimidation report, and what were their credentials and involvement in the original research process? Were there instructions or guidance given from Commissioners or senior staff as to what portions of the research should be emphasized? Who at the Commission reviewed the summarized report? Since the contracted experts are referred to in the Commission's released report, were the contractors allowed a chance to review or edit that Commission's final report that was released in December, 2006?
5. Please provide copies of any electronic or written communications between Commission employees that relate to the editing of the Voter Fraud/Intimidation report.
6. Please explain what Mr. Job Serebrov was referring to in his email referenced in the *New York Times* article of April 11, 2007. Please provide any documents in the Commission's possession where employees or contracted experts discussed pressure, political sensitivities, or the failure of the Commission to adopt the Voter Fraud/Intimidation report from March 1, 2006 to present.
7. While we realize that the Commission voted to release its summary report in December 2006, was there a public vote taken to reject the Draft Voter Fraud/Intimidation report? Such a monumental decision to reject the contract experts' work is a policy decision, and one that should be done in public. When was the decision made to reject the original report, and what notice was provided to the public that the Commission would reject that report?
8. Prior to the Draft Voter Fraud/Intimidation report's release, had other organizations requested a copy of that original report? Please include copies of your responses to those organizations, if any.
9. Had any States requested that the Commission or staff provide guidance related to voter identification requirements in the Help America Vote Act, or identification requirements generally? Please provide those requests, and any responses from the Commission.
10. Please indicate what steps the Commission is taking to ensure that political considerations do not impact the agency's research and that decisions are handled in a public and transparent manner.

**COMMITTEE ON THE JUDICIARY**  
 • CHAIR — SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW  
 • SUBCOMMITTEE ON COURTS, THE INTERNET, AND INTELLECTUAL PROPERTY  
 • SUBCOMMITTEE ON COMMERCIAL AND ADMINISTRATIVE LAW

**COMMITTEE ON HOMELAND SECURITY**  
 • SUBCOMMITTEE ON BORDER, MARITIME AND GLOBAL COUNTERTERRORISM  
 • SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND SCIENCE AND TECHNOLOGY

**COMMITTEE ON HOUSE ADMINISTRATION**  
 • CHAIR — SUBCOMMITTEE ON ELECTIONS

CHAIR, CALIFORNIA DEMOCRATIC CONGRESSIONAL DELEGATION

**Congress of the United States**  
**House of Representatives**  
 Washington, DC 20515-0516

**ZOE LOFGREN**  
 16TH DISTRICT, CALIFORNIA

838 NORTH FIRST STREET  
 SUITE B  
 SAN JOSE, CA 95112  
 (408) 271-8700  
 (408) 271-8713 (FAX)

107 CANNON HOUSE OFFICE BUILDING  
 WASHINGTON, DC 20515  
 (202) 225-3072  
 (202) 225-3339 (FAX)

[www.house.gov/lofgren](http://www.house.gov/lofgren)

CO-CHAIR, CONGRESSIONAL HAZARDOUS CAUCUS

CO-CHAIR, BIPARTISAN CONGRESSIONAL REFUGEE CAUCUS

CO-CHAIR, CONGRESSIONAL VIETNAM CAUCUS

April 12, 2007

Chairwoman Donetta Davidson  
 United States Election Assistance Commission  
 1225 New York Avenue N.W., Suite 1100  
 Washington, DC 20005

Dear Chairwoman Davidson:

As Chairwoman of the Committee on House Administration Subcommittee on Elections, which has oversight over the Election Assistance Commission, I was alarmed at what appears to be an emerging pattern by the EAC to hold off on publicly releasing reports as well as modifying reports that are released. Two recent instances have brought to light the increased politicalization of the EAC and this lack of transparency.

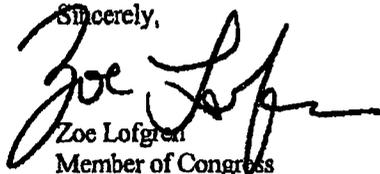
First, the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released. The EAC released report "Election Crimes: An Initial Review and Recommendations for Future Study" does not accurately reflect the research in the original report "Voting Fraud and Voter Intimidation."

Second, in addition to this report on voter fraud and intimidation, the EAC recently released a report by The Eagleton Institute of Politics at Rutgers University on voter identification. Again, the EAC did not endorse the report, citing methodological concerns, and only released it after pressure from Congress.

The EAC is charged with conducting nonpartisan research and to advise policy makers. How are we to rely on advice if instead of full and accurate reporting, we are provided an inaccurate modified version which negates clear evidence to the contrary in the original research? I am outraged that the election process is being threatened by a lack of transparency and limited discussion.

In order to preempt any further problems with the release of reports from the EAC, I request all versions of the Absentee Ballot report and the Military and Overseas report, as well as any other overdue reports, including supporting documents and research, be provided to my office by close of business Monday, April 16, 2007. These reports are overdue and I want to ensure that the delay is no way related to what appears to be an ongoing problem of politicalization of the EAC.

Sincerely,

  
 Zoe Lofgren  
 Member of Congress

For Immediate Release

April 11, 2007

## **Hinchey, Serrano Urge Non-Partisanship, Greater Transparency at Election Assistance Commission**

**Washington, DC** - Today, Congressmen Maurice Hinchey (NY-22) and José E. Serrano (NY-16) urged the Election Assistance Commission (EAC) to act with greater transparency and without partisanship. The comments from the congressmen came as the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released.

"The EAC has an obligation to be forthright with the American people and operate transparently and in a non-partisan manner," said Congressman Hinchey, who requested the draft report from EAC Commissioner Donetta L. Davidson during a subcommittee hearing last month. "The draft report was commissioned with taxpayer dollars upon a mandate from Congress so that we could learn more about voter fraud and intimidation. The need for this report is even more clear when we see the way in which the Bush administration is carrying out the electoral process and how this system is sliding towards corruption. In hiding a draft report from the public that is significantly different from the final version, the EAC has created a lot more questions than it has answered while stunting debate on the issue. In order for our democracy to function properly it is essential that our elections are free of any corruption and that includes ensuring that the EAC does not work to benefit one political party over the other. To achieve that goal we must have all the facts and opinions on the table, not just some of them. The EAC must never limit discussion and debate."

"The EAC is charged with helping to ensure our elections are trustworthy and administered fairly," said Congressman Serrano, who is Chair of the Appropriations Subcommittee that oversees the EAC budget. "I'm concerned if changes were made to the report on voter fraud because of partisan bias rather than impartial analysis. When you read the draft report side-by-side with the final version, it is clear that important conclusions of the experts who wrote the draft report were excluded from the final product. Among the excluded information is an analysis that undermines the notion that voter fraud is rampant."

"I am concerned that the EAC did not publicly release the taxpayer-funded draft report, and I worry that political considerations may have played a role. We cannot have a politicized EAC, or one that yields to outside pressure. Our democracy, and the American people's faith in it, is far more important than any short-term political advantage."

The draft report was written by outside experts under contract with the EAC. The final report was entitled "Election Crimes: An Initial Review and Recommendations for Future Study" and was issued on December 7, 2006.

The EAC is an independent bipartisan commission created by the 2002 Help America Vote Act in order to disburse funds to the states for the purchase of new voting systems, certify voting technologies, develop guidelines and serve as an information resource for election administration.

015313



Congressman José E. Serrano  
Representing the Sixteenth District of New York

## PRESS RELEASE

MEDIA CONTACT:  
**Philip Schmidt** (202)  
225-4361

FOR IMMEDIATE  
RELEASE:  
Apr 11, 2007

# SERRANO, HINCHEY URGE NON-PARTISANSHIP, GREATER TRANSPARENCY AT ELECTION ASSISTANCE COMMISSION

Washington, DC – April 11, 2007 – Today, Congressmen Maurice Hinchey (NY-22) and José E. Serrano (NY-16) urged the Election Assistance Commission (EAC) to act with greater transparency and without partisanship. The comments from the congressmen came as the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released.

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###

<b>WASHINGTON OFFICE</b> 2227 Rayburn House Office Building Washington, D.C. 20515-3216 (202) 225-4361 Fax: (202) 225-6001	<b>BRONX OFFICE</b> 788 Southern Blvd. Bronx, New York 10455 (718) 620-0084 Fax: (718) 620-0658
Email: <a href="mailto:jserrano@mail.house.gov">jserrano@mail.house.gov</a>	

015315



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

## **EAC Statement Regarding Research and Contracting Policies**

### ***Commission to Review Internal Procedures***

For Immediate Release  
April 11, 2007

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

**WASHINGTON** – The Help America Vote Act of 2002 (HAVA) directs the Election Assistance Commission (EAC) to serve as a national clearinghouse and resource by, among other things, conducting studies with the goal of improving the administration of federal elections. To fulfill this mandate, the EAC has entered into contracts with a variety of persons and entities. Reports adopted by the EAC, a bipartisan federal entity, are likely to be cited as authoritative in public discourse. Prior to the EAC's adopting a report submitted by a contractor, the EAC has the responsibility to ensure its accuracy and to verify that conclusions are supported by the underlying research.

The Commission takes input and constructive criticism from Congress and the public very seriously. We will take a hard look at the way we do business. Specifically, we will examine both the manner in which we have awarded contracts and our decision-making process regarding the release of research and reports. The EAC takes its mandates very seriously, and we will continue to move forward in a bipartisan way to improve the way America votes.

*EAC is an independent bipartisan commission created by HAVA. It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary Rodriguez, Caroline Hunter and Gracia Hillman.*

###

015316

Jeannie Layson/EAC/GOV  
04/17/2007 04:56 PM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline  
C. Hunter/EAC/GOV@EAC, Rosemary E.  
Rodriguez/EAC/GOV@EAC  
cc EAC Staff

bcc

Subject Today's press inquiries (04-17-07)

1. I spoke with St. Louis editorial board members Christine Bertelson and Kevin Korrigan regarding an editorial that ran today, asserting that we'd worked on the vote fraud/voter intimidation study for five years, and that the administration/White House edited the report. I told them both of these assertions were false, and I requested a correction. I gave them the details about how this project was conceived and managed. I explained that the vote fraud and voter intimidation project began in Sept. 2004. As I said, the statement that this project had been five years in the making is incorrect -- that predates the creation of the EAC. Commissioners were appointed in Dec. 2003, and the agency's first year of operations was 2004 with a \$1.2 million operating budget. I said the assertion that the administration edited the document was false, and said that at no point in the process did the administration play any role. I also pointed out that the chair requested the IG to fully review the matter. They are going to run a correction. The editorial follows.

### **Snipe hunting in Jeff City**

*Tuesday, Apr. 17 2007*

The Missouri Legislature's dogged efforts to crack down on voter fraud call to mind the hallowed tradition of the snipe hunt.

In a snipe hunt, gullible kids are taken out to the woods, handed sticks and gunny sacks and told to track down the elusive snipe. Meanwhile, their pals, who know a snipe is a bird of marsh and shore generally found nowhere near the woods, yuck it up.

Voter fraud is about as rare as snipe in most parts of the country, including Missouri. As evidence of that we have the testimony of (a) a five-year study by the federal Election Assistance Commission; (b) a report from the Missouri Secretary of State showing nobody in the state tried to vote with a fake I.D. in 2006; (c) Department of Justice statistics showing only 86 people were convicted of voter fraud-related crimes in the last five years, many of them on trivial errors; and (d) a federal judge's ruling last week that the justice department had failed to demonstrate that voter fraud had occurred in Missouri last year.

Undaunted by these facts, Republicans in the Legislature lurk about like Elmer Fudd with their gunny sacks and sticks, promoting bills to require voters to present photo identification before they're allowed to cast a ballot. They passed such a bill last year, but the courts threw it out as unfair to those who couldn't afford the cost and hassle involved in getting a photo I.D. card.

015317

This year's versions of the photo I.D. bills would allow voters without photo I.D. to cast "provisional ballots," which may or may not get counted. So, despite the fact that a photo I.D. requirement would disenfranchise many voters in the cause of solving a problem that doesn't exist, the Missouri House could pass such a bill this week.

Evidence continues to mount that the hunt master for the national voter I.D. snipe hunt is none other than Karl Rove, President George W. Bush's deputy chief of staff and political guru. As The New York Times suggested Sunday, "The more we learn about the White House purge of United States attorneys, the more a single thread runs through it: the Bush administration's campaign to transform the minor problem of voter fraud into a supposed national scourge."

Not only did the administration suggest that some of the eight fired prosecutors had been insufficiently aggressive in pursuing voter fraud cases, it changed the wording of the Election Assistance Commission's findings on the voter fraud issue. What originally read, "there is widespread but not unanimous agreement that there is little polling place fraud" became "there is a great deal of debate on the pervasiveness of fraud."

Moreover, the release of the commission's report was delayed for nine months, during which period eight states, including Missouri, dealt with voter I.D. laws. Since the 3 percent to 4 percent of the electorate who don't have photo I.D.s tend to be poor, disabled or elderly voters, suppressing their vote would tend to help Republican candidates.

Investigators looking for evidence of fraud need look no further than the e-mail messages emanating from Mr. Rove's offices. Alas, thousands, perhaps millions, of those messages are now "missing." Perhaps Attorney General Alberto Gonzales will shed some light on the problem when his testimony before the Senate Judiciary Committee is rescheduled. In the meantime, Missouri lawmakers should put down the sticks and gunny sacks and back slowly out of the woods before their constituents realize they've been snookered, too.

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

015318



Curtis Crider/EAC/GOV

04/20/2007 11:46 AM

To Donetta L. Davidson/EAC/GOV@EAC, jhodgkins@eac.gov,  
Margaret Sims/EAC/GOV@EAC, Diana  
Scott/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,

cc

bcc

Subject evaluation of contracting

To complete our evaluation of the contracting process and related issues for the voter fraud research and voter intimidation and voter identification research projects, we will need copies of all e-mails and a number of documents related to the projects including copies of all of the various drafts (versions) of the reports. I am requesting that all EAC personnel be notified that they are to preserve all of the documents including e-mails related to the projects. We are in the process of setting up an e-mail account to receive the documents, It is imperative that all documents related to the projects be preserved. As soon as the account is set up we will notify you of the address.

In addition, we are requesting access to the backup e-mail files maintained by GSA and EAC. As a result, we are requesting that no backup tapes or files be destroyed.

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

**Important:** This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

015319

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

To EAC Personnel  
cc  
bcc  
Subject documentation for evaluation

All:

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

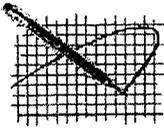
If you do not have any documents or e-mails, please send me an e-mail to that effect.

Thank you,

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

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015320



Curtis Crider/EAC/GOV

04/23/2007 02:33 PM

To EAC Personnel

cc

bcc

Subject documentation for evaluation

A question has been raised on the e-mails.

Q. Are these emails among staff, to recipients outside the office, or both?

A. We would like ALL e-mails including those among staff and recipients outside of the office.

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

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---

All:

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

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

Thank you,

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

Important: This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

015321



Curtis Crider/EAC/GOV  
04/23/2007 03:24 PM

To EAC Personnel  
cc  
bcc  
Subject documentation for evaluation

History: This message has been forwarded.

All:

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

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

Thank you,

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

Important: This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

015322



Elieen L. Kuala/EAC/GOV  
04/23/2007 04:06 PM

To Donetta L. Davidson/EAC/GOV@EAC  
cc  
bcc

Subject Re: Fw: documentation for evaluation

History

This message has been replied to.

yep, I have already sent most of my emails to Curtis and he said they have been helpful.

Shall I look through yours as well?

Elle L.K. Collver  
Special Assistant to the Chair  
U.S. Election Assistance Commission  
1225 New York Avenue, Suite 1100  
Washington, DC 20005  
office: (202) 566-2256  
fax: (202) 566-1392

Donetta L. Davidson/EAC/GOV

Donetta L.  
Davidson/EAC/GOV  
04/23/2007 03:59 PM

To "Elle Collver" <ecollver@eac.gov>  
cc  
Subject Fw: documentation for evaluation

We need to start looking. I am sure you already have. Thanks

-----  
Sent from my BlackBerry Wireless Handheld  
Curtis Crider  
----- Original Message -----

**From:** Curtis Crider  
**Sent:** 04/23/2007 03:24 PM EDT  
**To:** EAC Personnel  
**Subject:** documentation for evaluation

All:

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

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

Thank you,

Curtis Crider

015323

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

**Important:** This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

015324

Curtis Crider/EAC/GOV  
04/25/2007 01:26 PM

To EAC Personnel  
cc  
bcc  
Subject Investigation

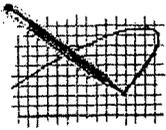
Mr. Eric Miller from the U.S. Department of the Interior, Office of Inspector General will be conducting the investigation of the EAC's handling of the voter fraud report and voter identification report. He will begin conducting interviews within the next couple of days. He will be assisted by Mr. Joe Ansnick.

If you have any questions concerning this matter, please feel free to contact me.

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

Important: This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

015325



Curtis Crider/EAC/GOV

04/25/2007 01:29 PM

To EAC Personnel

cc

bcc

Subject Investigation

The investigator's name is Eric Myers - sorry for the confusion.

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

**Important:** This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

---

Mr. Eric Miller from the U.S. Department of the Interior, Office of Inspector General will be conducting the investigation of the EAC's handling of the voter fraud report and voter identification report. He will begin conducting interviews within the next couple of days. He will be assisted by Mr. Joe Ansnick.

If you have any questions concerning this matter, please feel free to contact me.

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

**Important:** This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

015326



Elleen L. Collver/EAC/GOV  
04/27/2007 04:04 PM

To Curtis Crider/EAC/GOV@EAC  
cc ddavidson@eac.gov  
bcc

Subject memo

History:  This message has been replied to.

Hello Curtis:

I was reviewing the memo that you brought to the Chair today regarding the research on Voting Fraud and Voter Intimidation. I have sent electronic and hard copies to the commissioners and senior staff. However, I was wondering if there if going to be a separate memo addressing the Voter ID issues. Per your request the staff is in the process of sending emails to your designated inbox and all of those issues. Please advise.

Many thanks,  
Elle

Elle L.K. Collver  
Special Assistant to the Chair  
U.S. Election Assistance Commission  
1225 New York Avenue, Suite 1100  
Washington, DC 20005  
office: (202) 566-2256  
fax: (202) 566-1392

015327

Jeannie Layson/EAC/GOV  
04/27/2007 04:54 PM

To EAC Personnel  
cc  
bcc  
Subject Voter ID and Vote Fraud and Voter Intimidation IG Review  
Update

Hello everyone,

The chair wanted to distribute the attached memo from the IG, which contains guidance about how we proceed during the review of the voter ID and the vote fraud and voter intimidation research projects. She will continue to keep staff informed as this review moves forward, and she thanks everyone for their continued cooperation and hard work.



IG Memo to Chair on Review of Studies ( 4-27-07 ).pdf

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

015328



**Deliberative Process  
Privilege**

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

April 27, 2007

**Memorandum**

**To: Donetta Davidson  
Chair, U.S. Elections Commission**

**From: Curtis Crider *Curt Crider*  
Inspector General**

**Subject: U.S. Election Assistance Commission Activities Pending the Office of Inspector  
General Investigation of the Voting Fraud and Voter Intimidation Report**

In your letter of April 23, 2007, you requested my comments concerning several activities that the Election Assistance Commission (EAC) was considering to undertake pending our review of the Voting Fraud and Voter Intimidation Study and on related questions. My responses to your proposed activities and questions follow:

1. The EAC would like to prepare a summary of the differences between the draft report prepared by the consultants and the final report adopted by the EAC.

Answer: We believe that such a summary will be helpful to our investigation. Please provide us with a copy of the summary of differences upon its completion.

2. Would there be any prohibition against the Director of Communications speaking with EAC employees, consultants or working group members when questions arise from members of the press or under the Freedom of Information Act?

Answer: We are not aware of any prohibition. However, we suggest that EAC not comment or limit its comments on this matter because of the ongoing investigation. Any FOIA requests should be promptly responded to stating that the matter is under investigation. Once the investigation is completed, appropriate information should be made available to the FOIA requester.

3. Would there be any prohibition against EAC briefing members of the EAC Standards Board and the EAC Board of Advisors.

Answer: We are not aware of any prohibition. Our preference, however, would be that EAC allow the investigation to be completed before conducting any briefings.

4. Would there be any prohibition against gathering information related to this project in order to respond to inquiries that have been made by members of Congress?

015329

Answer: We are not aware of any prohibition. As previously stated, our preference is that there are no public comments while the investigation is in process or that comments be limited. However, we appreciate the sensitivity of Congressional requests, EAC must decide how best to proceed in this matter. We ask that you share any proposed responses with us prior to their release and that you provide us with a copy of final responses and any attachments.

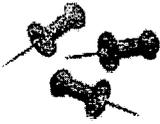
5. Would there be any prohibition against responding to an inquiry that the Commission has received from an attorney engaged by one of the consultants?

Answer: It is the EAC's decision whether to respond to the attorney for the consultant. We prefer that the consultants not be released from the confidentiality clause of their contracts until the OIG has completed its investigations.

We understand that EAC will want to respond to criticism of its handling of the Voter Fraud and Intimidation Study, and that management must ultimately decide how best to proceed. Our preference would be that you attempt to defer commenting until we have finished our investigation.

I appreciate you raising these matters to me before acting. Please feel free to contact me if you have any questions about this memorandum.

015330



DeAnna M. Smith/EAC/GOV  
05/01/2007 09:46 AM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E.  
Rodriguez/EAC/GOV@EAC, Gracia  
Hillman/EAC/GOV@EAC, Caroline C.  
cc Eileen L. Colver/EAC/GOV@EAC,  
[REDACTED] Sheila A.  
Banks/EAC/GOV@EAC, Stephanie

bcc

Subject Tally Vote Matter

Good Morning,

The tally vote dated 4/30/07, Authority to Proceed with Side by Side Analysis of Draft Voter Fraud and Intimidation Report with EAC Election Crimes Report and Agreement to Release Draft with the Completed Side by Side Analysis, is withdrawn.

Thank You

DeAnna M. Smith  
Paralegal Specialist  
Office of the General Counsel  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, D.C. 20005  
202-566-3117 (phone)  
202-566-1392 (fax)  
[www.eac.gov](http://www.eac.gov)

015331

Bryan Whitener/EAC/GOV  
05/10/2007 05:45 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC  
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.  
bcc

Subject FYI - Today's media inquiries ( 5-10-07, Thurs )

Commissioners:

Today we had the following media inquiries:

(1) Leslie Robinson, a reporter for the news blog, ColoradoConfidential.com inquired about the rules and regulations that EAC board members must adhere to. She said that one of the EAC members from Colorado, Dan Kopelman, has recently been sited by the Secretary of State for his business of selling voter lists and consulting partisan candidates. She asked if these infractions cause Kopelman to withdraw from the EAC board. We explained that, according to SEC. 213 of the Help America Vote Act of 2002 (HAVA), there are two EAC Standards Board representatives from each state, that one is a local official, one is a state official and that both individuals represent their state on the Board. We said that the state representatives are selected by the Chief State election official from each state. We said that, with respect to Colorado, Mr. Kopelman was selected to serve on the Board by Colorado Secretary of State Michael Coffman. We suggested Ms. Robinson contact their office for questions regarding the appointment of state representatives from Colorado.

(2) Rose Marie Berger, Associate Editor of Sojourners/Call to Renewal, asked for the document on voter fraud authored by Tova Wang and Job Serebrov. We replied that our Inspector General is currently reviewing the circumstances surrounding this research and noted page two of the following memo from the chair. We said that when that process is complete we'll be glad to discuss it further. 04/16/07 - EAC Requests Review of Voter ID, Vote Fraud & Voter Intimidation Research Projects

###

015332

Bryan Whitener/EAC/GOV  
05/11/2007 06:18 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC  
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.  
bcc

Subject FYI - Today's media inquiries ( 5-11-07, Frid )

Commissioners:

Today we had the following media inquiries:

(1) Meg Cox, a freelance journalist in Chicago is working on an article about voter fraud and voter ID laws. She asked the following two questions:

- 1) Is the EAC still sending its "Elections Crimes" report to journalists who request the report on voter fraud and intimidation authored by Wang and Serebrov?
- 2) If the answer to #1 is yes, is the EAC still sending the "Election Crimes" report in these cases without comment--in other words, without indicating that it is not the Wang/Serebrov report?

We forwarded her questions to Curtis and replied to Ms. Cox that the chair has asked our Inspector General to review the circumstances surrounding this research project, as well as research done about voter ID. We said he has requested that EAC not comment on either one of these projects while his review is ongoing. We referred her to the following link: [here](#). and said we'd be glad to make sure she receives the IG's review when it is completed.

(2) Jenna Portnoy of the Doylestown Intelligencia in Bucks Co., PA called again to ask about EAC's progress in determining the status of Pennsylvania's 102 funds. She wants to know the amount of money, if any, that they will have to return. We said that EAC is still reviewing the certifications submitted by the states and we hope to have this process completed as soon as possible. We said we are also evaluating all the reports submitted by the states regarding their 101 and 251 funds expenditures.

015333

Bryan Whitener/EAC/GOV  
05/14/2007 06:18 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC  
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.  
bcc

Subject FYI - Today's media inquiries ( 5-14-07, Mon )

Commissioners:

Today Meg Cox, a freelance journalist in Chicago, sent us the same two questions she sent us last Friday (see below). She had not been satisfied with our response. She is working on an article about voter fraud and voter ID laws. She said she is concerned that journalists are receiving a substitute report from EAC and not the real thing. We replied that we directed her to the one and only report adopted by EAC -- Election Crimes: An Initial Review and Recommendations for Future Study -- We noted that it contains clear language about the role of the consultants, identifies them by name and that their bios are included in the EAC report as Appendix D here. We said we would notify her when the IG has completed his review of this subject. We also noted the following contents of the report:

- Page one: "EAC staff along with two, bipartisan consultants reviewed the existing information available about voting fraud and voter intimidation, including reading articles, books and reports; interviewing subject matter experts; reviewing media reports of fraud and intimidation; and studying reported cases of prosecutions of these types of crimes.
- Page three: To accomplish these tasks, EAC employed two consultants, Job Serebrov and Tova Wang, who worked with EAC staff and interns to conduct the research that forms the basis of this report.
- Page four: The consultants drafted a report for EAC that included their summaries of relevant cases, studies and reports on voting fraud and voter intimidation as well as summaries of the interviews that they conducted. The draft report also provided a definition of voting fraud and intimidation and made certain recommendations developed by the consultants or by the working group on how to pursue further study of this subject. This document was vetted and edited by EAC staff to produce this final report.

###

**BACKGROUND: Last Friday's Q&A.**

Meg Cox, a freelance journalist in Chicago is working on an article about voter fraud and voter ID laws. She asked the following two questions:

- 1) Is the EAC still sending its "Elections Crimes" report to journalists who request the report on voter fraud and intimidation authored by Wang and Serebrov?
- 2) If the answer to #1 is yes, is the EAC still sending the "Election Crimes" report in these cases without comment--in other words, without indicating that it is not the Wang/Serebrov report?

We forwarded her questions to Curtis and replied to Ms. Cox that the chair has asked our Inspector General to review the circumstances surrounding this research project, as well as research done about voter ID. We said he has requested that EAC not comment on either one of these projects while his review is ongoing. We referred her to the following link: here. and said we'd be glad to make sure she receives the IG's review when it is completed.

015334

Jeannie Layson/EAC/GOV  
05/10/2007 06:57 AM

To Rosemary E. Rodriguez/EAC/GOV@EAC  
cc  
bcc

Subject Fw: Letter Regarding Brennan Center's FOIA Request

History:  This message has been replied to.

Guess Wendy changed her mind about giving me until the end of the week...

-----  
Sent from my BlackBerry Wireless Handheld

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

**From:** "Rowan Wilson" [REDACTED]  
**Sent:** 05/09/2007 10:14 PM AST  
**To:** Jeannie Layson  
**Cc:** "Yani Indrajana Ho" [REDACTED]; perezm@juris.law.nyu.edu; wendy.weiser@nyu.edu  
**Subject:** Letter Regarding Brennan Center's FOIA Request

Dear Ms. Layson:

My firm is representing the Brennan Center in connection with the FOIA requests it has made to the EAC. Attached, for your convenience, is a letter we have sent to you today by regular mail.

Sincerely,

Rowan Wilson

This e-mail is confidential and may be privileged. Use or disclosure of it by anyone other than a designated addressee is unauthorized. If you are not an intended recipient, please delete this e-mail from the computer on which you received it.



Brennan Center Letter to EAC 05-09-2007.pdf

015335

Jeannie Layson/EAC/GOV  
05/10/2007 07:21 PM

To Rosemary E. Rodriguez/EAC/GOV@EAC, "Jeannie Layson"  
<jlayson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC  
cc "Staci Fabre" <[REDACTED]>

bcc

Subject Re: Have we considered putting FOIA responses on the  
web? 

History:  This message has been replied to.

Yes, we have talked about setting up a FOIA reading room like some other agencies. Those cull the most frequently asked for info, but don't post everything. It's just a function of getting caught up to do that. However, I'm open to posting everything.

-----  
Sent from my BlackBerry Wireless Handheld  
Rosemary E. Rodriguez  
----- Original Message -----

**From:** Rosemary E. Rodriguez  
**Sent:** 05/10/2007 07:17 PM EDT  
**To:** Jeannie Layson; Thomas Wilkey  
**Cc:** "Staci Fabre" <[REDACTED]>  
**Subject:** Have we considered putting FOIA responses on the web?

That would cut down on the number we are doing and make us more transparent,

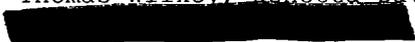
015336

Jeannie Layson/EAC/GOV  
05/10/2007 07:35 PM

To Rosemary E. Rodriguez/EAC/GOV@EAC  
cc  
bcc  
Subject Re: Have we considered putting FOIA responses on the web? 

And I really appreciate you saying that. Usually I do pretty well under pressure. I think I'm just having a couple of bad days! I'm already in a better mood.

-----  
Sent from my BlackBerry Wireless Handheld  
Rosemary E. Rodriguez  
----- Original Message -----

**From:** Rosemary E. Rodriguez  
**Sent:** 05/10/2007 07:28 PM EDT  
**To:** Jeannie Layson; Thomas Wilkey; Donetta Davidson  
**Cc:** "Staci Fabre"   
**Subject:** Re: Have we considered putting FOIA responses on the web?

If we announced it, maybe we could stem the flow. We should discuss. And I do appreciate how stressful things are for you right now. My Mayor used to say that press was the hardest job in the ofc. He was under siege his first term (he served 3) and it feels for me a little like deja vu all over again because he was very misunderstood

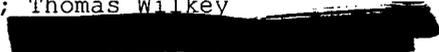
Best.

Jeannie Layson  
----- Original Message -----

**From:** Jeannie Layson  
**Sent:** 05/10/2007 07:21 PM EDT  
**To:** Rosemary Rodriguez; Jeannie Layson; Thomas Wilkey  
**Cc:** "Staci Fabre"   
**Subject:** Re: Have we considered putting FOIA responses on the web?

Yes, we have talked about setting up a FOIA reading room like some other agencies. Those cull the most frequently asked for info, but don't post everything. It's just a function of getting caught up to do that. However, I'm open to posting everything.

-----  
Sent from my BlackBerry Wireless Handheld  
Rosemary E. Rodriguez  
----- Original Message -----

**From:** Rosemary E. Rodriguez  
**Sent:** 05/10/2007 07:17 PM EDT  
**To:** Jeannie Layson; Thomas Wilkey  
**Cc:** "Staci Fabre"   
**Subject:** Have we considered putting FOIA responses on the web?

That would cut down on the number we are doing and make us more transparent,

015337

Thomas R. Wilkey/EAC/GOV  
05/11/2007 11:16 AM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E.  
Rodriguez/EAC/GOV@EAC, Caroline C.  
Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC  
cc  
bcc  
Subject Fw: Letter

History:  This message has been replied to

Commissioners;

Based on our conversation yesterday concerning the letter from the letter from the Attorney representing the Brennan Center Gavin has drafted the attached letter as our response.

Since this letter will also be copied to several members of Congress I thought it best to have you look it over before it goes out.

Please let me know if you have any concerns, I'd like to get it out COB today.

And if I don't see you today...Have a great Mother's Day

Tom.

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

----- Forwarded by Thomas R. Wilkey/EAC/GOV on 05/11/2007 11:09 AM -----

Gavin S. Gilmour/EAC/GOV

05/11/2007 09:01 AM

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.  
Hodgkins/EAC/GOV, Jeannie Layson/EAC/GOV@EAC  
cc  
Subject Letter

Tom,

For your review and policy determination.

GG



Brennan Center May 9th -2.doc

Gavin S. Gilmour

015338

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

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

015339

Caroline C. Hunter/EAC/GOV  
05/11/2007 12:21 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Gracia  
cc  
bcc  
Subject Re: Letter 

Looks good to me, thanks Tom and Gavin.  
Thomas R. Wilkey  
----- Original Message -----

**From:** Thomas R. Wilkey  
**Sent:** 05/11/2007 11:16 AM EDT  
**To:** Donetta Davidson; Rosemary Rodriguez; Caroline Hunter; Gracia Hillman  
**Subject:** Fw: Letter

Commissioners;  
Based on our conversation yesterday concerning the letter from the letter from the Attorney representing the Brennan Center Gavin has drafted the attached letter as our response.  
Since this letter will also be copied to several members of Congress I thought it best to have you look it over before it goes out.  
Please let me know if you have any concerns, I'd like to get it out COB today.  
And if I don't see you today...Have a great Mother's Day  
Tom

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

----- Forwarded by Thomas R. Wilkey/EAC/GOV on 05/11/2007 11:09 AM -----

Gavin S. Gilmour/EAC/GOV  
05/11/2007 09:01 AM

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV, Jeannie Layson/EAC/GOV@EAC  
cc  
Subject Letter

Tom,

For your review and policy determination.

015340

GG

[attachment "Brennan Center May 9th -2.doc" deleted by Caroline C. Hunter/EAC/GOV]

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

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

015341

Thomas R. Wilkey/EAC/GOV  
05/11/2007 02:08 PM

To Rosemary E. Rodriguez/EAC/GOV@EAC  
cc  
bcc  
Subject Re: Just sent u a fax 

History:  This message has been replied to.

Got it...thanks

Gavin advises me that we are required to have a FOIA reading room and so we will do that but may not want to admit that we haven't up to now.

Thanks

Tom

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

Rosemary E.  
Rodriguez/EAC/GOV  
05/11/2007 01:26 PM

To "Tom Willkey" <TWilkey@eac.gov>  
cc  
Subject Just sent u a fax

015342

Thomas R. Wilkey/EAC/GOV  
05/11/2007 02:32 PM

To: Rosemary E. Rodriguez/EAC/GOV@EAC  
cc  
bcc  
Subject: Re: Just sent u a fax 

History:  This message has been replied to.

It's already been set up on the redesigned website which Jeannie hopes to unveil next week when we get out from under this paper.

The FOIA regulations have been on the Counsel's "to do" list but with everything else going on has not been completed.

We have two law clerks coming on for the summer in a couple weeks and this will be an excellent project for them to do.

Thanks  
Tom

You are supposed to be relaxing

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  
Rosemary E. Rodriguez/EAC/GOV

Rosemary E.  
Rodriguez/EAC/GOV  
05/11/2007 02:11 PM

To: Thomas R. Wilkey/EAC/GOV@EAC, Donetta L.  
Davidson/EAC/GOV  
cc  
Subject: Re: Just sent u a fax 

We'd better get it up before we get dinged for not having it up!

Thomas R. Wilkey  
----- Original Message -----

From: Thomas R. Wilkey  
Sent: 05/11/2007 02:08 PM EDT  
To: Rosemary Rodriguez  
Subject: Re: Just sent u a fax

Got it...thanks  
Gavin advises me that we are required to have a FOIA reading room and so we will do that but may not

015343

want to admit that we haven't up to now.  
Thanks  
Tom

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

Rosemary E.  
Rodriguez/EAC/GOV  
05/11/2007 01:26 PM

To "Tom Willkey" <TWilkey@eac.gov>  
cc  
Subject Just sent u a fax

015344



Bert A. Benavides/EAC/GOV  
05/14/2007 04:13 PM

To Donetta L. Davidson/EAC/GOV, Rosemary E.  
Rodriguez/EAC/GOV@EAC, chunter@eac.gov, Gracia  
Hillman/EAC/GOV, Juliet E. Thompson-Hodgkins/EAC/GOV,  
cc Elieen L. Collver/EAC/GOV@EAC, sfabre@eac.gov,  
Stephanie Wolson/EAC/GOV@EAC, liriaeac@yahoo.com  
bcc

Subject Response to lawyers for Brennan Center

Attached is the letter sent from Tom to the attorneys for the Brennan Center for Justice. Letter was faxed this morning and the hard copy is being mailed this afternoon.

Bert A. Benavides  
Special Assistant to the Executive Director  
U. S. Elections Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005  
202-566-3114



Brennan Ctr - Response to 5-09-07 ltr.doc

015345

Rosemary E.  
Rodriguez/EAC/GOV  
03/30/2007 03:20 PM

To DDavidson@useac.gov, GHillman@useac.gov,  
CHunter@useac.gov  
cc TWilkey@useac.gov  
bcc

Subject Fraud Report

I would very much like to explore the possibility of reconsidering the decision to release the Fraud Report.  
How can I get this on our agenda?

Rosemary E. Rodriguez  
Commissioner  
United States Election Assistance Commission  
1225 New York Avenue, N.W.  
Suite 1100  
Washington, D.C. 20005  
Telephone: 202-566-3104  
Facsimile: 202-566-3127  
[www.eac.gov](http://www.eac.gov)  
[rrodriguez@eac.gov](mailto:rrodriguez@eac.gov)

015346

Rosemary E.  
Rodriguez/EAC/GOV  
03/30/2007 03:23 PM

To jlayson@eac.gov  
cc  
bcc  
Subject Fw: Fraud Report

Rosemary E. Rodriguez  
Commissioner  
United States Election Assistance Commission  
1225 New York Avenue, N.W.  
Suite 1100  
Washington, D.C. 20005  
Telephone: 202-566-3104  
Facsimile: 202-566-3127  
www.eac.gov  
rrodriguez@eac.gov

----- Forwarded by Rosemary E. Rodriguez/EAC/GOV on 03/30/2007 03:21 PM -----

Rosemary E.  
Rodriguez/EAC/GOV  
03/30/2007 03:20 PM

To DDavidson@useac.gov, GHillman@useac.gov,  
CHunter@useac.gov  
cc TWilkey@useac.gov  
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rrodriguez@eac.gov

015347

Rosemary E.  
Rodriguez/EAC/GOV  
03/30/2007 03:23 PM

To ddavidson@eac.gov, Gracia Hillman/EAC/GOV@EAC,  
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cc TWilkey@eac.gov  
bcc  
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03/30/2007 03:20 PM

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cc TWilkey@useac.gov  
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rrodriguez@eac.gov

015348



"Rosemary Rodriguez"

04/14/2007 01:04 PM

To rrodriguez@eac.gov

cc

bcc

Subject Fw: Draft Letter w/edits

History:

This message has been forwarded

----- Forwarded Message -----

From: "ghillman@eac.gov" <ghillman@eac.gov>

To: jlayson@eac.gov

Cc: Ddavidson@eac.gov; chunter@eac.gov; [REDACTED]; twilkey@eac.gov;

jhodgkins@eac.gov

Sent: Friday, April 13, 2007 5:59:10 PM

Subject: Draft Letter w/edits

Gracia M. Hillman  
Commissioner  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Suite 1100  
Washington, DC 20005  
Tel: 202-566-3100  
Fax: 202-566-1392  
www.eac.gov

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015349

April 13, 2007

EAC Board of Advisors  
EAC Standards Board

RE: EAC Election Crimes Study

Dear Members of the EAC Standards Board and EAC Board of Advisors:

The U.S. Election Assistance Commission has recently come under fire for not releasing a draft report from EAC's Voting Fraud and Voter Intimidation project, which was submitted by two contracted employees, Tova Wang and Job Serebrov. That draft report, which is attached to this letter, is a compilation of summaries from the work that they conducted. We thought it was important to explain the circumstances surrounding this project.

In 2005, the EAC Board of Advisors helped EAC prioritize its research efforts. As a result, EAC developed a research agenda that included studying voting fraud and voter intimidation. In the fall of 2005, EAC hired the two contract employees to conduct an initial review of the information available about voting fraud and voter intimidation. The employees were asked to provide two things: (1) a definition of voting fraud and voter intimidation that could be used in a future and comprehensive study of these topics; and (2) a series of recommendations on how such a future, comprehensive study could be conducted.

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EAC staff reviewed the material, briefed the commissioners, including at our October public meeting and presented for commissioner consideration a report, *Election Crimes: An Initial Review and Recommendations for Future Study*, which was adopted at our December 2006 public meeting.

After the release of EAC's report there was some debate about whether EAC should release the draft provided by our contracted employees. The Board of Advisors considered, but did not pass, a resolution urging the release of that document. Recently, EAC testified before a Congressional committee that requested the draft report. A copy was provided to the committee, which released the draft report this week.

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We have always taken input from our advisory boards, Congress, and the public very seriously, and we will continue to provide you with accurate, complete, and supported research, whether that research is conducted by consultants or by EAC staff.

Thank you for your service, your commitment to the election process and your support of EAC.

Also attached is a copy of EAC's statement on this issue, as well as a statement issued by Congressmen Maurice Hinchey and José Serrano. If you have any questions regarding this study or on any other matter, please don't hesitate to contact us.

Sincerely,

Donetta Davidson, Chair

Gracia Hillman, Commissioner

Caroline Hunter, Commissioner

Rosemary Rodriguez, Commissioner

cc: Project Working Group

Rosemary E.  
Rodriguez/EAC/GOV  
04/14/2007 01:44 PM

To ddavidson@eac.gov, Gracia Hillman/EAC/GOV@EAC,  
Chunter@eac.gov, twikley@eac.gov, jhodgkins@eac.gov  
cc  
bcc  
Subject my revisions to boards letter.



AdvBdsletterDRAFT.doc

Rosemary E. Rodriguez  
Commissioner  
United States Election Assistance Commission  
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Suite 1100  
Washington, D.C. 20005  
Telephone: 202-566-3104  
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015352

**Deliberative Process  
Privilege**

Draft comments submitted by Rodriguez, April 14, 2007; 1:45 pm

April 13, 2007

EAC Board of Advisors  
EAC Standards Board

RE: EAC Election Crimes Study

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On March \_\_, 2007, EAC testified before a Congressional committee that requested the draft report. A copy was provided to the committee, which released the draft report this week. The release of the draft report by members of Congress has made it widely available. Thus we attach it to this letter. We value your service on the Board of Advisors and believe that you should receive the draft directly from the EAC, and not a secondary source.

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We understand that the topics of voter fraud and voter intimidation are hotly debated and often divisive, even among members of the EAC. We assure you that we believe the process we took to review all of the materials and adopt a final report was motivated by a responsibility, especially as a federal agency, to issue findings only when they are supported by data that can enable EAC to firmly defend its conclusions.

To avoid even the appearance of partisan influence in future research endeavors, EAC has established a bipartisan commission panel to oversee all research. We are currently reviewing our contracting policy and internal procedures to make certain that EAC and its consultants are clear on the products to be delivered. We will also expedite the process in which we complete these projects.

We will continue to take input from our advisory boards, Congress, and the public very seriously, and we will continue to provide you with accurate, complete, and supported research, whether that research is conducted by consultants or by EAC staff.

Thank you for your service, your commitment to the election process and your support of EAC.

Also attached is a copy of EAC's statement on this issue, as well as a statement issued by Congressmen

Maurice Hinchey and José Serrano. If you have any questions regarding this study or on any other matter, please don't hesitate to contact us.

Sincerely,

Donetta Davidson, Chair

Gracia Hillman, Commissioner

Caroline Hunter, Commissioner

Rosemary Rodriguez, Commissioner

cc: Project Working Group



"Rosemary Rodriguez"  
[Redacted]  
04/14/2007 01:04 PM

To rrodriguez@eac.gov  
cc  
bcc  
Subject Fw: Draft Letter w/edits

History: This message has been forwarded

----- Forwarded Message -----

From: "ghillman@eac.gov" <ghillman@eac.gov>  
To: jlayson@eac.gov  
Cc: Ddavidson@eac.gov; chunter@eac.gov; [Redacted]twilkey@eac.gov;  
jhodgkins@eac.gov  
Sent: Friday, April 13, 2007 5:59:10 PM  
Subject: Draft Letter w/edits

Gracia M. Hillman  
Commissioner  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Suite 1100  
Washington, DC 20005  
Tel: 202-566-3100  
Fax: 202-566-1392  
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015357

**Deliberative Process  
Privilege**

Draft comments submitted by Rodriguez, April 14, 2007; 1:45 pm

April 13, 2007

EAC Board of Advisors  
EAC Standards Board

RE: EAC Election Crimes Study

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Sincerely,

Donetta Davidson, Chair

Gracia Hillman, Commissioner

Caroline Hunter, Commissioner

Rosemary Rodriguez, Commissioner

cc: Project Working Group

Rosemary E.  
Rodriguez/EAC/GOV  
04/14/2007 01:45 PM

To twilkey@eac.gov  
cc  
bcc  
Subject Fw: Draft Letter w/edits

Rosemary E. Rodriguez  
Commissioner  
United States Election Assistance Commission  
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Washington, D.C. 20005  
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www.eac.gov  
rrodriguez@eac.gov

----- Forwarded by Rosemary E. Rodriguez/EAC/GOV on 04/14/2007 01:44 PM -----



"Rosemary Rodriguez"

04/14/2007 01:04 PM

To rrodriguez@eac.gov  
cc  
Subject Fw: Draft Letter w/edits

----- Forwarded Message -----

From: "ghillman@eac.gov" <ghillman@eac.gov>  
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Cc: Ddavidson@eac.gov; chunter@eac.gov; [REDACTED]@eac.gov; twilkey@eac.gov;  
jhodgkins@eac.gov  
Sent: Friday, April 13, 2007 5:59:10 PM  
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Tel: 202-566-3100  
Fax: 202-566-1392

015362

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015363

April 13, 2007

EAC Board of Advisors  
EAC Standards Board

RE: EAC Election Crimes Study

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Sincerely,

Donetta Davidson, Chair

Gracia Hillman, Commissioner

Caroline Hunter, Commissioner

Rosemary Rodriguez, Commissioner

cc: Project Working Group

**Deliberative Process  
Privilege**

April 13, 2007

EAC Board of Advisors  
EAC Standards Board

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We have always taken input from our advisory boards, Congress, and the public very seriously, and we will continue to provide you with accurate, complete, and supported research, whether that research is conducted by consultants or by EAC staff.

Thank you for your service, your commitment to the election process and your support of EAC.

Also attached is a copy of EAC's statement on this issue, as well as a statement issued by Congressmen Maurice Hinchey and José Serrano. If you have any questions regarding this study or on any other matter, please don't hesitate to contact us.

Sincerely,

Donetta Davidson, Chair

Gracia Hillman, Commissioner

Caroline Hunter, Commissioner

Rosemary Rodriguez, Commissioner

cc: Project Working Group

Rosemary E.  
Rodriguez/EAC/GOV  
04/20/2007 02:59 PM

To Gavin S. Gilmour/EAC/GOV@EAC, Donetta L.  
Davidson/EAC/GOV@EAC, Gracia  
Hillman/EAC/GOV@EAC, Caroline C.  
cc Juliet E. Hodgkins/EAC/GOV@EAC

bcc

Subject Re: Draft response to Tova Wang's lawyer 

Isn't Peggy away on sick leave? Why do we direct her to Peggy?

Gavin S. Gilmour

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

**From:** Gavin S. Gilmour  
**Sent:** 04/20/2007 03:04 PM EDT  
**To:** Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;  
Thomas Wilkey  
**Cc:** Juliet Hodgkins  
**Subject:** Draft response to Tova Wang's lawyer

Pursuant to Commissioner Davidson's request, attached is the draft response to Tova Wang's lawyer.

[attachment "Wang Ltr 17apr07.doc" deleted by Rosemary E. Rodriguez/EAC/GOV]

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

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015368

Rosemary E.  
Rodriguez/EAC/GOV  
04/20/2007 03:29 PM

To Juliet E. Hodgkins/EAC/GOV@EAC  
cc Caroline C. Hunter/EAC/GOV@EAC, Donetta L.  
Davidson/EAC/GOV@EAC, Gavin S.  
Gilmour/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,  
bcc  
Subject Re: Draft response to Tova Wang's lawyer

I haven't seen her for weeks. But I am in another corner of the office. Perhaps I am ill-informed.

Juliet E. Hodgkins

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

**From:** Juliet E. Hodgkins  
**Sent:** 04/20/2007 03:30 PM EDT  
**To:** Rosemary Rodriguez  
**Cc:** Caroline Hunter; Donetta Davidson; Gavin Gilmour; Gracia Hillman;  
Thomas Wilkey  
**Subject:** Re: Draft response to Tova Wang's lawyer

Commissioner Rodriguez,

Gavin's Blackberry is not working properly so he asked that I forward to you all the following response:

Julie,

My Blackberry keeps freezing up, again. Perhaps you could forward my comments.

Peggy was proposed as the point of contact for Ms. Wang because she was the original project manager and Tova's prior supervisor/COTR. Peggy would obviously staff requests. As for Peggy's status, I was under the impression that she was still an active employee, but obviously defer that issue to Tom.

GG

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

Rosemary E.  
Rodriguez/EAC/GOV  
04/20/2007 02:59 PM

To Gavin S. Gilmour/EAC/GOV@EAC, Donetta L.  
Davidson/EAC/GOV@EAC, Gracia  
Hillman/EAC/GOV@EAC, Caroline C.  
Hunter/EAC/GOV@EAC, Thomas R.  
Wilkey/EAC/GOV@EAC  
cc Juliet E. Hodgkins/EAC/GOV@EAC  
Subject Re: Draft response to Tova Wang's lawyer

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015369

Gavin S. Gilmour

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

**From:** Gavin S. Gilmour  
**Sent:** 04/20/2007 03:04 PM EDT  
**To:** Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;  
Thomas Wilkey  
**Cc:** Juliet Hodgkins  
**Subject:** Draft response to Tova Wang's lawyer

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[attachment "Wang Ltr 17apr07.doc" deleted by Rosemary E. Rodriguez/EAC/GOV]

Gavin S. Gilmour  
Deputy General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
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015370

Rosemary E.  
Rodriguez/EAC/GOV  
04/20/2007 05:46 PM

To [REDACTED]  
cc  
bcc  
Subject Fw: Draft response to Tova Wang's lawyer

Gavin S. Gilmour  
----- Original Message -----

**From:** Gavin S. Gilmour  
**Sent:** 04/20/2007 03:04 PM EDT  
**To:** Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;  
Thomas Wilkey  
**Cc:** Juliet Hodgkins  
**Subject:** Draft response to Tova Wang's lawyer

Pursuant to Commissioner Davidson's request, attached is the draft response to Tova Wang's lawyer.



Wang Ltr 17apr07.doc

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

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015371

**Deliberative Process  
Privilege**

April 17, 2007

James P. Joseph  
Arnold & Porter L.L.P.  
655 Twelfth Street, NW  
Washington, DC 20004-1206

Mr. Joseph:

This letter is in response to your April 16, 2007 inquiry in which you request that your client, Ms. Tova Wang, be authorized by the U.S. Election Assistance Commission (EAC) to discuss certain matters pertaining to her prior employment with the agency.

As I am sure you are aware, Ms. Wang was employed by the EAC under its authority to hire experts and consultants pursuant to 42 U.S.C. §3109 (as implemented by 5 C.F.R. §304). As such, her agreement with the EAC created a limited employee/employer relationship. This is clearly stated in her contract. As an employee Ms. Wang has a duty to the Commission. Without direction from the EAC, Ms. Wang has no authority to speak for the EAC, release non-public information or discuss privileged matters with third parties. As you note in your letter, this concept is also clearly stated in her employment contract. The duties and responsibilities that come with Federal service are essential to the proper functioning of our government.

Ultimately, however, Ms. Wang's responsibilities should not have a significant impact on her ability to discuss her personal opinions on voter fraud. Per her employment contract, the project she worked on was focused on collecting existing information, defining terms and proposing future research methodology so that EAC could conduct a future research project on voter fraud and intimidation. As a result, the information gathered by Ms. Wang and other EAC employees is nothing more than a collection of articles, books and opinions that are publicly available. In fact, the EAC has published much of this information as an attachment to the final report which is available on our Web site. Ms. Wang is free to provide her personal opinion on voter fraud to anyone she wishes. Her only limitation is in speaking for the EAC or releasing privileged documents or information.

If Ms. Wang has questions concerning specific requests for information, or is requested to speak

015372

on behalf of the EAC, she may contact her prior supervisor, Ms. Peggy Sims at (202)566-3127 for assistance.

Sincerely,

Gavin S. Gilmour  
Deputy General Counsel

015373

Rosemary E.  
Rodriguez/EAC/GOV  
04/20/2007 05:49 PM

To Gavin S. Gilmour/EAC/GOV@EAC, Donetta L.  
Davidson/EAC/GOV@EAC, Gracia  
Hillman/EAC/GOV@EAC, Caroline C.  
cc Juliet E. Hodgkins/EAC/GOV@EAC

bcc

Subject Re: Draft response to Tova Wang's lawyer 

You know where I stand on this issue but, again, I think we should grant her request. We appear to be stonewalling and I do not think that is good for the agency nor is it good policy. I understand that we have rights to enforce the contract but we can also waive those rights and I think we ought to in this instance.

Gavin S. Gilmour

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

**From:** Gavin S. Gilmour  
**Sent:** 04/20/2007 03:04 PM EDT  
**To:** Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;  
Thomas Wilkey  
**Cc:** Juliet Hodgkins  
**Subject:** Draft response to Tova Wang's lawyer

Pursuant to Commissioner Davidson's request, attached is the draft response to Tova Wang's lawyer.

[attachment "Wang Ltr 17apr07.doc" deleted by Rosemary E. Rodriguez/EAC/GOV]

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

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015374

Rosemary E.  
Rodriguez/EAC/GOV  
04/20/2007 05:49 PM

To [REDACTED]  
cc  
bcc  
Subject Fw: Draft response to Tova Wang's lawyer

Rosemary E. Rodriguez

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

**From:** Rosemary E. Rodriguez  
**Sent:** 04/20/2007 05:49 PM EDT  
**To:** Gavin Gilmour; Donetta Davidson; Gracia Hillman; Caroline Hunter;  
Thomas Wilkey  
**Cc:** Juliet Hodgkins  
**Subject:** Re: Draft response to Tova Wang's lawyer

You know where I stand on this issue but, again, I think we should grant her request. We appear to be stonewalling and I do not think that is good for the agency nor is it good policy. I understand that we have rights to enforce the contract but we can also waive those rights and I think we ought to in this instance.

Gavin S. Gilmour

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

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**Sent:** 04/20/2007 03:04 PM EDT  
**To:** Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;  
Thomas Wilkey  
**Cc:** Juliet Hodgkins  
**Subject:** Draft response to Tova Wang's lawyer

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[attachment "Wang Ltr 17apr07.doc" deleted by Rosemary E. Rodriguez/EAC/GOV]

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

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015375

Rosemary E.  
Rodriguez/EAC/GOV  
04/20/2007 05:49 PM

To "Staci Fabre" <fms.eacfabre@yahoo.com>  
cc  
bcc  
Subject Fw: Draft response to Tova Wang's lawyer

Gavin S. Gilmour

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

**From:** Gavin S. Gilmour  
**Sent:** 04/20/2007 03:04 PM EDT  
**To:** Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;  
Thomas Wilkey  
**Cc:** Juliet Hodgkins  
**Subject:** Draft response to Tova Wang's lawyer

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Wang Ltr 17apr07.doc

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

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015376

Rosemary E.  
Rodriguez/EAC/GOV  
04/20/2007 06:51 PM

To Donetta L. Davidson/EAC/GOV@EAC, Gracia  
Hillman/EAC/GOV@EAC, Caroline C.  
Hunter/EAC/GOV@EAC, Thomas R.  
cc  
bcc  
Subject Re: Draft response to Tova Wang's lawyer 

Tom, is Peggy on sick leave?

Not sure if I sent this--I believe we should grant Tova's request. We are stonewalling and I do not think that is good for the agency nor is it good policy. I understand that we have rights to enforce the contract but we can also waive those rights and I think we ought to in this instance.

Gavin S. Gilmour

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**To:** Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;  
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**Cc:** Juliet Hodgkins  
**Subject:** Draft response to Tova Wang's lawyer

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[attachment "Wang Ltr 17apr07.doc" deleted by Rosemary E. Rodriguez/EAC/GOV]

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United States Election Assistance Commission  
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015377

Jeannie Layson/EAC/GOV  
04/16/2007 11:13 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline  
C. Hunter/EAC/GOV@EAC, Rosemary E.  
Rodriguez/EAC/GOV@EAC  
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.  
Hodgkins/EAC/GOV@EAC  
bcc

Subject IG Press Release

Commissioners,

Per the chair's request, I have drafted the following press release to communicate the commission's decision to ask the IG to review our contract procedures. Please let me know if this is okay with all of you. I would like this to go out ASAP, so if you could get back to me with any comments before noon, I would appreciate it. Sorry for the short turnaround, but I think circumstances demand that this get out immediately. Thank you.

After you give me the okay on the press release, I will send everything to staff before releasing it.



EAC IGRequest 04-16-07.doc

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

015378



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

## **EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects**

For Immediate Release  
April 16, 2007

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

**WASHINGTON** – U.S. Election Assistance Commission (EAC) Chair Donetta Davidson today issued a formal request to the commission’s inspector general to conduct a review of the commission’s contracting procedures, including a review of two recent projects focusing on voter identification and vote fraud and voter intimidation. The chair’s memo to the inspector general is attached.

“The actions taken by the commission regarding these research projects have been challenged, and the commissioners and I agree that it is appropriate and necessary to ask the inspector general to review this matter,” said EAC Chair Davidson.

Chair Davidson has requested that the inspector general specifically review the circumstances surrounding the issuance and management of the voter identification research project and the vote fraud and voter intimidation research project.

Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification

laws after concluding that initial research it received in a report was not sufficient to draw any conclusions. The commission declined to adopt the report, but released all of the data to the public. The report and the research, conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, are available at [www.eac.gov](http://www.eac.gov).

At a public meeting in December 2006, the commission adopted *Election Crimes: An Initial Review and Recommendations for Further Study*, available at [www.eac.gov](http://www.eac.gov). This report was the culmination of research conducted by Tova Wang and Job Serebrov, who were tasked with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the consultants were responsible for “creating a report summarizing the findings of this preliminary research effort and working group deliberations. This report should include any recommendations for future EAC research resulting from this effort.”

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###

015380



Gracia Hillman/EAC/GOV  
04/16/2007 11:28 AM

To Jeannie Layson/EAC/GOV@EAC  
cc Caroline C. Hunter/EAC/GOV@EAC, Donetta L.  
Davidson/EAC/GOV@EAC, Juliet E.  
Hodgkins/EAC/GOV@EAC, Rosemary E.  
bcc

Subject Re: IG Press Release

History: This message has been replied to

Jeannie:

The press release looks okay to me. I appreciate that you are being very careful with the words we use.

If there are changes to any of the words, I want to see them before giving final approval.

Gracia M. Hillman  
Commissioner  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Suite 1100  
Washington, DC 20005  
Tel: 202-566-3100  
Fax: 202-566-1392  
[www.eac.gov](http://www.eac.gov)

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015381

Caroline C. Hunter/EAC/GOV  
04/16/2007 11:28 AM

To Jeannie Layson/EAC/GOV@EAC  
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,  
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.  
Rodriguez/EAC/GOV@EAC, Thomas R.  
bcc  
Subject Re: IG Press Release 

Could we pls add a sentence about why we did not adopt the fraud report - ie- had conclusions that were not supported by the underlying research.

Caroline C. Hunter  
Commissioner  
Election Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005  
(202) 566-3107  
chunter@eac.gov  
www.eac.gov

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV  
04/16/2007 11:13 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline  
C. Hunter/EAC/GOV@EAC, Rosemary E.  
Rodriguez/EAC/GOV@EAC  
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.  
Hodgkins/EAC/GOV@EAC  
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EAC IGRequest 04-16-07.doc

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

015382



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ASSISTANCE C  
OMMISSION  
1225 New  
York Ave. NW  
– Suite 1100  
Washington,  
DC 20005*

## **EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects**

For Immediate Release  
April 16, 2007

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

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Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification.

laws after concluding that initial research it received in a report was not sufficient to draw any conclusions. The commission declined to adopt the report, but released all of the data to the public. The report and the research, conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, are available at [www.eac.gov](http://www.eac.gov).

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Jeannie Layson/EAC/GOV  
04/16/2007 11:33 AM

To Caroline C. Hunter/EAC/GOV@EAC  
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,  
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.  
Rodriguez/EAC/GOV@EAC, Thomas R.  
bcc  
Subject Re: IG Press Release 

It's in there... first sentence in the fourth paragraph: "Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification laws **after concluding that initial research it received in a report was not sufficient to draw any conclusions.**"

Please let me know if that is sufficient.

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

Caroline C. Hunter/EAC/GOV  
04/16/2007 11:28 AM

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cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,  
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.  
Rodriguez/EAC/GOV@EAC, Thomas R.  
Wilkey/EAC/GOV@EAC  
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Caroline C. Hunter  
Commissioner  
Election Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005  
(202) 566-3107  
chunter@eac.gov  
www.eac.gov

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV  
04/16/2007 11:13 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline  
C. Hunter/EAC/GOV@EAC, Rosemary E.  
Rodriguez/EAC/GOV@EAC  
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.  
Hodgkins/EAC/GOV@EAC

015385

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EAC IGRequest 04-16-07.doc

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U.S. Election Assistance Commission  
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Washington, DC 20005  
Phone: 202-566-3100  
[www.eac.gov](http://www.eac.gov)

015386



*U.S. ELECTION  
ASSISTANCE COMMISSION  
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DC 20005*

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Bryan Whitener  
(202) 566-3100

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