DOCUMENTS NUMBERED 28326-31441

Margaret Sims /EAC/GOV
10/20/2004 09:39 AM

To Adam Ambrogi/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Troy Griffis/EAC/GOV@EAC, Paul Herr/EAC/GOV@EAC, Nancy Jackson/EAC/GOV@EAC,
cc Carol A. Paquette/EAC/GOV@EAC, Diane Savoy/EAC/GOV@EAC, jthompson@eac.gov, bhancock@eac.gov
bcc

Subject Election Training-All Hands

Julie, Brian, and I have worked out the following training schedule. This training is important for all hands because questions will come in before and after election day, as well as on election day.

Except for Wednesday, October 27, all training sessions will be held in EAC's big meeting room from **11:30 AM - 12:30 PM**. The time and location of the October 27 will be announced later, once we have figured out where we can hold it.

Wednesday, October 20
Election Fraud, Voting Rights Issues, HAVA Administrative Complaint Procedures - Julie Thompson

Friday, October 22
NVRA Fail-safe Voting Provisions, Voter ID Requirements, Provisional Voting - Peggy Sims

Wednesday, October 27
Voter Assistance, Access for Disabled Voters, HAVA Voter Information Postings, Other Pollling Place Issues (Campaigning, Exit Polling, Poll Hours, Time Off to Vote) - Peggy Sims

Friday, October 29
Reporting and Certifying Election Results, Contested Elections & Recounts, Electoral College - Brian Hancock

Please feel free to bring your lunch and your questions.

Karen Lynn-Dyson/EAC/GOV

02/18/2005 03:53 PM

To Sheila A. Banks/EAC/GOV@EAC, Holland M. Patterson/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Spring A.

cc

bcc

Subject Fw: Commissioner approval (by 2/25) of contracting process for work on Provisional Voting and Voter ID projects

Hey-

Forgot to cc you all on this.

Thanks

K

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 02/18/2005 03:50 PM -----

Karen Lynn-Dyson/EAC/GOV

02/17/2005 04:02 PM

To Gracia Hillman, Paul DeGregorio, DeForest Soaries, Ray Martinez

cc Carol A. Paquette/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC

Subject Commissioner approval (by 2/25) of contracting process for work on Provisional Voting and Voter ID projects

Commissioners-

As was discussed during our session on February 17, 2005, please ***review and provide your approval , disapproval or amendments*** to the following items by **Friday, February, 25, 2005**:

1. The attached Scope of Work which outlines the tasks related to contract work around projects relating to voluntary guidance on provisional voting and voter identification procedures.

2. The proposal will be advertised beginning **February 28, 2005**.

3. The deadline for submitting proposals will be **March 14, 2005**.

4. Proposal review will be completed by EAC staff by **March 17, 2005**

5. Staff will recommend a contractor to the Commissioners on **March 18, 2005**.

6. Commissioners will be asked for their decisions no later than **Tuesday, March 22, 2005**

STatement of Work - Provisional Voting.Voter ID.doc

Thank you for your help and attention to this matter.

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

February 14, 2005

PROVIDING EAC ASSISTANCE IN DEVELOPING VOLUNTARY GUIDANCE ON PROVISONAL VOTING AND VOTER IDENTIFICATION PROCEDURES

0.0 Contract Title: Assistance to the U.S. Election Assistance Commission in the Development of Guidance on Provisional Voting and Voter Identification Procedures

1.0 Background: Sec. 302(a) of HAVA requires that all States allow the casting of provisional ballots in instances where a voter declares their eligibility to vote but their name does not appear on the official list of eligible voters, or an election official asserts that a voter is not eligible to vote. This section describes several requirements for implementation of provisional voting, but the States have considerable latitude in specifying how to carry out these requirements. The EAC seeks to examine how provisional voting was implemented in the 2004 general election and to prepare guidance for the States on this topic for the 2006 Federal elections.

HAVA Sec. 303(b) mandates that first time voters who register by mail are required to show proof of identity before being allowed to cast a ballot. The law prescribes certain requirements concerning this section, but also leaves considerable discretion to the States for its implementation. The EAC seeks to examine how these voter identification requirements were implemented in the 2004 general election and to prepare guidance for the States on this topic for the 2006 elections.

One of the remedies for a voter not having an acceptable proof of identity is to allow the voter to cast a provisional ballot, either at the polling place or by mail. This linkage between these two HAVA sections provides a rationale for conducting research on these topics in parallel. However, it is anticipated that two separate guidance documents will result.

2.0 Objective: The objective of this contract is for EAC to obtain assistance with the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements for the purpose of drafting guidance on these topics for promulgation to the States in time for implementation for the 2006 Federal elections. The anticipated outcome of this activity is the generation of concrete policy recommendations to be issued as voluntary guidance for States.

3.0 Scope: In general the Contractor shall be responsible for all research and analysis activities, including the conduct of public hearings for fact finding and public comment purposes. However, in light of the urgent need to get this work underway, the EAC has scheduled a public hearing on February 23, 2005, on the topic of provisional voting.

An initial framework for provisional voting policy has been set by the court decisions rendered on the election procedures utilized in the 2004 election. The 6th Circuit decision, in particular, has drawn some boundaries which must be given due regard in the course of considering future policy alternatives for provisional voting.

Notice of public meetings and hearings is required to be published in the Federal Register. The Contractor shall be responsible for preparing the notice documents, and the EAC will submit the notices and cover the cost of publication. In addition, draft guidance documents must be published in the Federal Register to obtain public comment prior to their adoption. Again, the Contractor will work with the EAC to prepare the draft documents for publication, which the EAC will submit and cover the cost of publication. Comments received will be provided to the Contractor for analysis and incorporation into the final guidance documents, as appropriate.

4.0 Specific Tasks

For ease of reference, following task 4.3 the remaining tasks are listed separately under the headings of Provisional Voting and Voter Identification Requirements. It is understood that the work on these two topics will be conducted essentially concurrently, with Voter Identification activities starting approximately one month after Provisional Voting.

4.1 Prepare a project work plan. The Contractor shall prepare and deliver a brief Project Plan not later than 10 days after contract award. This plan shall describe how the Contractor will accomplish each of the project tasks, including a timeline indicating major milestones. A single document will be prepared to include both provisional voting and voter identification tasks. The Plan shall be presented at a project kickoff meeting with the EAC Project Manager.

4.2 Submit monthly progress reports. The Contractor shall submit a monthly progress report within 2 weeks of the end of each month. This report shall provide a brief summary of activities performed and indicate progress against the timeline provided in the Project Plan. Any issues that could adversely affect schedule should be identified for resolution. Budget status should also be provided.

4.3 Conduct periodic briefings for the EAC. The Contractor shall periodically meet with the EAC Project Manager and the lead Commissioner for this work to discuss research findings and progress. The Project Plan should make allowance for this activity. The number and frequency of briefings will be determined by the Contractor Project Manager and the EAC Project Manager as the work progresses. The Contractor may also be required to periodically brief the full Commission on their work.

Provisional Voting

4.4 Collect and analyze State legislation, administrative procedures, and court cases. An understanding of the disparities and similarities of how provisional

voting was implemented around the country will provide a baseline for the consideration of future approaches. Seventeen States never had provisional voting before HAVA was enacted, while many other States did. A State-by-State compendium of the legislation, procedures, and litigation reviewed shall be delivered along with the analysis results.

4.5 Recommend alternative approaches for future implementation of provisional voting. The Contractor shall conduct a literature review to identify other research results and data available on this topic. The EAC Election Day Survey, for example, contained several questions on provisional voting. The EAC will make these survey data available to the Contractor. Based on their analysis of available research and the results of Task 4.5, the Contractor shall diagnose the problems and challenges of provisional voting implementation and hypothesize alternative approaches.

The Contractor shall assess the efficacy of these alternatives in relation to the following inter-related policy objectives: (1) enabling the maximum number of eligible voters to cast ballots that will be counted; (2) providing procedural simplicity for voters, poll workers, and election officials; (3) minimizing opportunity for voter fraud; and (4) maintaining a reasonable workload for election officials and poll workers. Additional policy considerations may be identified in the course of this research effort. The Contractor shall document and brief these alternatives to the Commission.

4.6 Prepare preliminary draft guidance document. Based on the feedback received from the Commission, the Contractor shall prepare a draft guidance document for review and comment by the EAC Board of Advisors. EAC will convene a Board of Advisors meeting or teleconference for the discussion of this document. The Contractor shall provide the document in advance and participate in the Board meeting to answer questions and record comments.

4.7 Revise draft guidance for publication in the Federal Register. The Contractor shall revise the guidance document as appropriate to reflect the comments of the EAC and the Board of Advisors and provide the draft guidance for publication in the Federal Register by the EAC.

4.8 Arrange one public hearing for receiving public comment on draft guidance. This hearing should be scheduled 30 days after the initial publication date. The Contractor shall select the location in consultation with the EAC. No speakers will be required. EAC will handle publicity for the meeting

4.9 Prepare final guidance document for EAC adoption. Review all comments received in response to Federal Register publication and at public hearing and revise guidance document as appropriate. Provide final version to EAC for adoption.

Voter Identification Requirements

4.10 Collect and analyze State legislation, administrative procedures, and court cases. It is assumed that the collection of information for analysis of voter identification requirements will be performed concurrently with the research for Task 4.5. An understanding of the disparities and similarities of how voter identification requirements were implemented around the country will provide a baseline for the consideration of future approaches. A State-by-State compendium of the legislation, procedures, and litigation reviewed shall be delivered along with the analysis results.

4.11 Convene a half day public hearing on the topic of voter identification requirements. The Contractor shall be responsible for all aspects of planning and conducting this hearing in consultation with the EAC. The Contractor shall identify three panels of three to four speakers each. The Contractor shall arrange for speaker attendance to include travel and per diem expenses. The EAC will provide publicity for the hearing. The Contractor shall prepare a document summarizing the proceedings and containing all testimony provided.

4.12 Recommend alternative approaches for future implementation of HAVA voter identification requirements. The Contractor shall conduct a literature review to identify other research results and data available on this topic. Based on their analysis of available research and the results of Task 5.11, the Contractor shall diagnose the problems and challenges of voter identification and hypothesize alternative approaches. The Contractor shall coordinate with the EAC to identify appropriate policy objectives by which to assess these alternatives. The Contractor shall document and brief these alternatives to the Commission.

4.13 Prepare preliminary draft guidance document. Based on the feedback received from the Commission, the Contractor shall prepare a draft guidance document for review and comment by the EAC Board of Advisors. EAC will convene a Board meeting or teleconference for the discussion of this document. The Contractor shall provide the document in advance and participate in the Board meeting to answer questions and record comments.

4.14 Revise draft guidance for publication in the Federal Register. The Contractor shall revise the guidance document as appropriate to reflect the comments of the EAC and the Board of Advisors and provide the draft guidance for publication in the Federal Register by the EAC.

4.15 Arrange one public hearing for receiving public comment on the draft guidance. This hearing should be scheduled 30 days after the initial publication date. The Contractor shall select the location in consultation with the EAC. No speakers will be required. EAC will handle publicity for the hearing.

4.16 Prepare final guidance document for EAC adoption. Review all comments received in response to Federal Register publication and at public hearing and revise guidance document as appropriate. Provide final version to EAC for adoption.

Contract Type. The contract type will be Time and Materials with a ceiling of

6.0 Place of performance. The principal place of performance will be the Contractor's place of business. Meetings and occasional work efforts may be performed at the EAC offices.

7.0 Period of Performance. The period of performance is from date of award until October 28, 2005.

8.0 Schedule of Deliverables:

- Project plan – 10 days after contract award
- Progress reports – monthly
- Briefings – as required
- Analysis report on provisional voting - TBD
- Alternatives report on provisional voting – TBD
- Preliminary draft guidance on provisional voting - TBD
- Draft guidance on provisional voting for publication – 8/2005
- Public hearing on draft guidance – 30 days after publication
- Final guidance on provisional voting for EAC adoption – 9/2005
- Analysis report on voter identification requirements – TBD
- Public hearing on voter identification requirements – TBD
- Summary of voter identification requirements hearing - TBD
- Alternatives report on voter identification requirements - TBD
- Preliminary draft guidance on voter identification requirements - TBD
- Draft guidance on voter identification requirements for publication – 9/2005
- Public hearing on draft guidance – 30 days after publication
- Final guidance on voter identification requirements to EAC for adoption – 10/2005

REMAINING STANDARD CONTRACT TERMS TO BE PROVIDED.

028334

Karen Lynn-Dyson/EAC/GOV

06/09/2005 03:10 PM

To Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC

cc Juliet E. Thompson/EAC/GOV@EAC, Carol A. Paquette/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC,

bcc

Subject Revised Research update

Commissioners- Research plan June 9.doc

I understand that the Commissioners will consider this latest draft of the research plan at next Tuesday's meeting.

Enclosed please find the latest version in which approximately $2.5 million in funds are appropriated. As always, this is a draft, working document from which to deliberate.

Regards-

K

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

EAC Research Plan Update - June 9, 2005

Project	Possible Contractor	Product/Outcome	Anticipated Start Date	Anticipated End Date	Projected Cost
Election Day Survey	EDS/Communications Firm TBD	EAC survey report with national coverage/distribution	February	July	$175,000
NVRA Survey	EDS/Communications Firm TBD	EAC survey report with national coverage/distribution	February	June	
UOCAVA Survey	EDS/Communications Firm TBD	EAC survey report with national coverage/distribution	February	July	
NVRA Registration Form	EAC/AIGA Consortium	Revised form and instructions	May	September	$75,000
Absentee Ballot Postage	Competitive RFP	EAC survey and report to Congress	June	December	$200,000
Statewide Voter Registration Technology Refresh	National Academy of Sciences	Information sharing/community of learning about VR databases	March	Through November 2006	$50,000
Ballot Design	AIGA Consortium	Best practices on EAC website and presentations at national and regional meetings	July/August	January 1, 2006	$200,000
Hispanic Working Group	EAC	EAC agenda for outreach to Hispanic voters	July	September	$20,000
Provisional Voting / ID requirements	Eagleton Institute / Moritz College of Law	EAC voluntary guidance on provisional voting and voter ID	June	December	$600,000
Improving Election Data	Social Science Research Council	Improved methods for collecting election data, common understanding of election terms and statistics	July/August	December	$150,000
Voter Fraud and Intimidation	TBD (consultant)	EAC definitions for voter fraud and voter intimidation	June	November	$40,000
Vote Count and Recount	Competitive RFP	Best Practices on vote counts and recounts	July	December	$200,000
Poll Worker Training	The Poll Worker Institute	EAC poll worker training materials	July/August	Through November 2006	$150,000
Voter Information and Education	American Political Science Assn/Council for Excellence in Government	Town hall mtgs/Improved systems for delivering information to voters	August	Through November 2006	$250,000
Election Administration Law Website	Competitive RFP	Clearinghouse of election law info	August	Through November 2006	$300,000
Electronic Voting	National Academy of Sciences	EAC survey and report to Congress	July	November	$100,000
Total Projected Costs					$2,510,000

028225

Karen Lynn-Dyson/EAC/GOV
06/27/2005 05:45 PM

To "Tom O'Neill" <tom_oneill@verizon.net>@GSAEXTERNAL
cc
bcc Adam Ambrogi/EAC/GOV
Subject RE: Peer Review Group

Tom-

Had a very good review and discussion of the PRG at this morning's Commissioner meeting.

Also, the Commissioners have marked their calendars for a conference call with the Eagleton/Moritz team on July 12 at 9:30 AM.

Several concerns were raised about the composition of the PRG and, after some discussion, I indicated that Eagleton will provide the EAC with a revised participant list, and with a more detailed description of the PRG's mission, goals, objectives, workplan and timelines for accomplishing its work.

The Vice Chair is concerned that there is not sufficient conservative representation on the PRG. I would suggest the team do more research to identify well-recognized conservative academics to put on the Group.

Further, the Commissioners recommend a tiered process in which the PRG will prepare a "dispassionate" analysis of the issues and draw some tentative conclusions. This analysis and these conclusions will then be vetted with a defined/select group of local election officials, and then, with a defined/select group of advocacy organizations.

It was also suggested that a final round of focus group meetings be held with a cross-section of these election officials, advocates and academics for an overall interactive reaction to the analysis and recommendations.

Hope this helps clarify concerns; I look forward to sharing your revisions to the PRG with them.

Regards-

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

"Tom O'Neill" <tom_oneill@verizon.net>

"Tom O'Neill"
<tom_oneill@verizon.net>
06/23/2005 02:43 PM

To klynndyson@eac.gov
cc
Subject RE: Peer Review Group

Thanks, Karen.

Tom

-----Original Message-----
From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]
Sent: Thursday, June 23, 2005 2:24 PM
To: [redacted]
Subject: Re: Peer Review Group

Tom-

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

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

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

Thanks
K

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

[redacted]

06/22/2005 03:29 PM

To klynndyson@eac.gov
cc
Subject Peer Review Group

Karen,

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

balanced.

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

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

Tom

Karen Lynn-Dyson/EAC/GOV

07/07/2005 01:24 PM

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC, Carol A. Paquette/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC,

bcc

Subject Meetings next week

If available, Tom and the Commissioners will want to be in attendance at the conference call with Eagleton at 9:30 am on Tuesday.

If available,Tom, Brian and Carol Paquette will attend a Thursday July 14, 10:30 AM meeting with Kim Brace for an update on the UOCAVA Survey.

Thanks

Karen Lynn-Dyson
Research Manager
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tel:202-566-3123

Karen Lynn-Dyson/EAC/GOV

07/15/2005 04:16 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC
cc Sheila A. Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC
bcc
Subject Fw: Eagleton Institute June 2005 Progress Report

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

K

Karen Lynn-Dyson
Research Manager
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1225 New York Avenue , NW Suite 1100
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tel:202-566-3123

---- Forwarded by Karen Lynn-Dyson/EAC/GOV on 07/15/2005 03:57 PM ----

"Lauren Vincelli "
<Vincelli@rutgers.edu>

07/14/2005 04:43 PM

Please respond to Vincelli@rutgers.edu

To klynndyson@eac.gov
cc "'Tom O'neill'" [redacted], john.weingart@rutgers.edu
Subject Eagleton Institute June 2005 Progress Report

Ms. Dyson,

Attached please find the June 2005 Progress Report for the project entitled, "Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures." If you have any questions regarding any part of this document please direct them to Tom O'Neill at [redacted] or (908)794-1030.

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

Thank you for your time, have a great evening.

Best,
Lauren Vincelli

Lauren Vincelli
Business Assistant, Eagleton Center for Public Interest Polling
Eagleton Institute of Politics, Rutgers University
Carriage House, 185 Ryders Lane
New Brunswick, NJ 08901
Phone: (732) 932-9384, ext. 237

Fax: (732) 932-1551

ProgressReport_JUNE2005_EagletonInst.doc

EAGLETON INSTITUTE OF POLITICS

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

MONTHLY PROGRESS REPORT
JUNE 2005

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

July 14, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

028342

Deliberative Process Privilege

OUTLINE

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

INTRODUCTION

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

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

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

Please direct any questions or comments about this report to Tom O'Neill at: tom_oneill@verizon.net or (908) 794-1030.

PROVISIONAL VOTING

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

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

LEGISLATION, REGULATIONS, AND LITIGATION

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

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

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

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

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

028344

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

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

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

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

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

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

SURVEY OF COUNTY ELECTION OFFICIALS

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

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

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

028345

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

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

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

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

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

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

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VOTER IDENTIFICATION REQUIREMENTS

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

Task 3.10: Legislation, regulations, and litigation

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

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

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

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

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

SUPPLEMENTS TO LEGAL ANALYSIS

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

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

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

VOTER ID AND TURNOUT ANALYSIS

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

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

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

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

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Task 3.11 Public meeting on Voter Identification Requirements

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

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

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

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

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

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PROJECT MANAGEMENT

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

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

Task 3.1 Update the Work Plan

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

PEER REVIEW GROUP

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

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

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

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

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

COORDINATION AND INFORMATION MANAGEMENT

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

INFORMATION SYSTEM

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

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

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

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

INTRANET

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

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

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

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

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

FINANCIAL REPORT

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

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

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

Karen Lynn-Dyson/EAC/GOV
07/21/2005 01:35 PM

To "Job Serebrov"
[redacted]>@GSAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc Adam Ambrogi/EAC/GOV
Subject Re: project

Job-

I write to see if you might be available to come to Washington on Monday, August 1 to meet with several EAC staff and Commissioners to discuss the voter fraud/voter intimidation project and your possible work as a consultant on the project.

I'd like to schedule this 1-2 hour meeting for sometime between 1 and 3 in the afternoon.

Might you be available to come to Washington for this ?

Regards-

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

Juliet E. Thompson/EAC/GOV

07/26/2005 07:58 AM

To Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Thomas R.

cc Sheila A. Banks/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, Adam Ambrogi, Jeannie Layson, Carol A. Paquette/EAC/GOV@EAC

bcc

Subject Agendas for meeting and hearing

final agenda - public hearing - july 28.doc July public meeting- final agenda.doc

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

U.S. Election Assistance Commission
Public Meeting Agenda

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

Call to Order (Chair Hillman)

Pledge of Allegiance (Chair Hillman)

Roll Call

Adoption of Agenda (Chair Hillman)

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

Reports

- Title II Requirements Payments Update (Vice Chairman Degregorio & Commissioner Martinez)
- Statewide Voter Registration List Guidance (Juliet Thompson)

Presentations

Progress Report on Voter Identification Study

- Tom O'Neill, Eagleton Institute, and Dan Tokaji, Moritz College of Law

The Interaction of Voter Identification with HAVA

- Brook Thompson, Coordinator of Elections (Tennessee) -- Interaction between voter ID and provisional voting (TN had voter ID prior to HAVA but no provisional voting prior to HAVA)

Commissioners' Closing Remarks

Adjournment

U.S. Election Assistance Commission
Public Hearing Agenda

Thursday, July 28, 2005
1:00 P.M. – 5:00 P.M.

Public Hearing on the EAC's Proposed Voluntary Voting System Guidelines

Call to Order (Chair Hillman) (1:00)

Pledge of Allegiance (Chair Hillman) (1:01)

Roll Call (1:03)

Adoption of Agenda (Chair Hillman) (1:05)

Presentations on Proposed Voluntary Voting System Guidelines (1:07)

Introduction of Proposed Voluntary Voting System Guidelines (Carol Paquette) (1:10 - 1:20)

Panel 1: State Election Officials (1:20 – 2:30)

- Brad Clark, Assistant Secretary of State, Elections, CA
- Ann McGeehan, Director of Elections, TX
- Linda Lamone, President, National Association of State Election Directors

Break (2:30- 2:40)

Panel 2: The Academic Community (2:40 – 3:40)

- Thad Hall, Ph.D., Assistant Professor, Political Science, University of Utah
- Ted Selker, Ph.D., Associate Professor, Massachusetts Institute of Technology, Media and Arts Technology Laboratory
- David Dill, Professor of Computer Science, Stanford University

Break (3:40 - 3:50)

Panel 3: Use of Wireless Technology in Voting (3:50 – 4:20)

- Stephen Berger, TEM Consulting & Chair of IEEE Standard Coordinating Committee 38

Break (4:20 – 4:30)

Public Comment Period (4:30 – 5:00)

This time period will be reserved for pubic participation. Pursuant to the public notice for this hearing, members of the public or organizations who have previously contacted the EAC will be given three minutes of hearing time for comment. All such groups and persons have pre-registered and been contacted regarding their participation. Comments will be strictly limited to three minutes to ensure the fullest participation possible.

Commissioners' Closing Remarks

Adjournment

Karen Lynn-Dyson/EAC/GOV

07/26/2005 01:30 PM

To Sheila A. Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC, Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC

bcc

Subject Conference call to 'interview" potential voter fraud/intimidation consultants

Hi All-

Well, I have the unhappy task of trying to identify a date and time when we might schedule a series of conference calls with the consultants we've identified as possible candidates to work on the voter fraud/intimidation project.

Since August is impossible and horrible in terms of everyone being in the same place, I thought it might be easier to try and schedule three calls--one hour each in duration-- in which the Commissioners could talk to these candidates.

I'd like to "start the bidding" for the week of August 15.

Actually, I happen to know that all of the candidates could be available August 22 or 23 at some point in the day.

Let me know if your folks could be available by phone at any of these days and times.

Thanks

K

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

Karen Lynn-Dyson/EAC/GOV
07/26/2005 04:58 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC, Sheila A.
bcc
Subject Re: Conference call to 'interview" potential voter fraud/intimidation consultants

Mea culpa-

Well, you can take this off of your to-do list.

Tom Wilkey and I will be meeting with the consultant and doing the interviewing. We will keep the Commissioners apprised of our progress on this project.

Thanks all-

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

Karen Lynn-Dyson/EAC/GOV
08/01/2005 06:12 PM

To "Tom O'neill" [redacted]>@GSAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC
bcc
Subject RE: Meeting with EAC

Tom-

I will be in touch shortly with possible dates in very late August or early September, when EAC staff might be available to meet with Eagleton to discuss the project's research results and next steps.

In the meantime, I thought it was important to follow up on the issues Vice Chair DeGregorio raised while we were in Pasadena.

To be certain that I have the latest information, could you send to me the final list of the Eagleton/Moritz Peer Review Group and the list of organizations that Eagleton will be contacting for input?

Regards-

Karen

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

Karen Lynn-Dyson/EAC/GOV
08/02/2005 05:00 PM

To "Tom O'neill" [redacted]@GSAEXTERNAL
cc Juliet E. Thompson/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC, Thomas R.
bcc
Subject RE: Meeting with EAC

All-

Could you let me know your availability to meet on September 5,6 or 7, say at 1:00 PM, with the Eagleton/Moritz team, to go over their research thus far, and next steps.

Thanks for your input.

K

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

"Tom O'neill" [redacted]

"Tom O'neill"
[redacted]
07/29/2005 01:32 PM

To klynndyson@eac.gov
cc
Subject RE: Meeting with EAC

Karen,

Thanks for the email. No need to resend the original email from Washington. I received that shortly after you sent it. That email let us know that EAC would not need the research on ballot design that Tom Wilkey suggested we undertake and that you asked us to submit a proposal for. But the ballot-design issue was only one of the two topics raised by my email to you. The other question concerned a date to meet with EAC staff to discuss the forthcoming draft of our Analysis and Alternatives paper and an outline for the Preliminary Guidance Document. From our conversation yesterday, I understand that August 26, the date suggested, will not work because of the EAC's travel schedule. Please let me know if August 30, 31 or September 1 are possible for a meeting between the project team and EAC in Washington. The meeting would require perhaps 2 hours.

Tom O'Neill

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

Karen Lynn-Dyson/EAC/GOV
08/04/2005 05:26 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Adam Ambrogi/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC, Thomas R.
bcc
Subject RE: Meeting with EAC

Tom O'Neill-

I'd like to propose the Eagleton/Moritz meeting for September 6 at 1:00 PM at the EAC's offices.

If that date works, please be certain to reply to all on this e-mail, as I will be out of the office.

Regards-

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

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
08/02/2005 05:00 PM

To "Tom O'neill" [redacted]t>@GSAEXTERNAL
cc Juliet E. Thompson/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subject RE: Meeting with EAC

All-

Could you let me know your availability to meet on September 5,6 or 7, say at 1:00 PM, with the Eagleton/Moritz team, to go over their research thus far, and next steps.

Thanks for your input.

K

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

"Tom O'neill" <tom_oneill@verizon.net>

Karen Lynn-Dyson/EAC/GOV

08/15/2005 04:43 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC
cc Raymundo Martinez/EAC/GOV@EAC
bcc
Subject Fw: Eagleton Institute of Politics - July 2005 - Monthly Progress Report

FYI-

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

---- Forwarded by Karen Lynn-Dyson/EAC/GOV on 08/14/2005 04:42 PM ----

"Lauren Vincelli "
<Vincelli@rutgers.edu>

08/15/2005 03:01 PM

Please respond to Vincelli@rutgers.edu

To klynndyson@eac.gov
cc "'Tom O'neill'" [redacted], rmandel@rci.rutgers.edu, john.weingart@rutgers.edu
Subject Eagleton Institute of Politics - July 2005 - Monthly Progress Report

Ms. Dyson,

Attached please find the July 2005 Progress Report for the project entitled, "Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures." If you have any questions regarding any part of this document please contact Tom O'Neill at [redacted] or (908)794-1030.

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

Thank you for your time, have a great evening.

Best,
Lauren Vincelli

Lauren Vincelli
Business Assistant, Eagleton Center for Public Interest Polling
Eagleton Institute of Politics, Rutgers University
Carriage House, 185 Ryders Lane

New Brunswick, NJ 08901
Phone: (732) 932-9384, ext. 237
Fax: (732) 932-1551

ProgressReport_JULY2005_EagletonInst.pdf

028364

EAGLETON INSTITUTE OF POLITICS

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

MONTHLY PROGRESS REPORT
JULY 2005

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

August 15, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

028365

Deliberative Process Privilege

OUTLINE

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

INTRODUCTION

This report describes our progress from July 1 through July 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

The effort this month continued to focus on research for the analysis and alternatives paper, including the compilation of Provisional Voting statutes, regulations, and litigation from the 50 states. We also prepared and delivered testimony at the EAC's regular monthly meeting in Pasadena on July 28.

The data collection, analysis, and compilation are all on schedule. Because of delays in agreeing on the composition of the Peer Review Group with EAC, however, the actual completion and submission of the analysis and alternatives paper to the EAC will most likely be delayed about a week beyond the target date in the work plan. We are scheduled to discuss the draft paper and guidance document prior to submission, with the EAC on September 6, and the final draft cannot be completed until several days after that date.

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

Please direct any questions or comments about this report to Tom O'Neill at: tom_oneill@verizon.net or (908) 794-1030.

028366

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to provisional voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed this month.

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

LEGISLATION, REGULATIONS, AND LITIGATION

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

Description: The Moritz team has created a 50-state chart to summarize information on provisional voting, compiled statutes, case law and administrative procedures regarding Provisional Voting.

Progress: The 50-state (plus District of Columbia) chart created to collect data on provisional voting is complete. We have collected the statutes for all states. State by state summaries of provisional voting have been written for 47 states and D.C. A memorandum summarizing provisional voting litigation is complete. The collection of the documents associated with the litigation is nearing completion.

Challenges: The variety in the form of provisional voting legislation from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The remaining 3 state summaries of provisional voting will be completed by August 8. Analysis of all the information, data, and survey results concerning provisional voting data will be performed in August.

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with provisional voting in 2004. At the end of July the survey of 400 local election officials was nearing its end, and – as of this writing – is now complete with an analysis and report in draft form. We will rely on the survey results to improve our understanding of actual practice in administering provisional voting, including the steps local officials took to prepare for the election.

PROVISIONAL VOTING NARRATIVES

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

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

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

SURVEY OF COUNTY ELECTION OFFICIALS

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

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

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

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

VOTER IDENTIFICATION REQUIREMENTS

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

Task 3.10: Legislation, regulations, and litigation

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

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

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

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

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

SUPPLEMENTS TO LEGAL ANALYSIS

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

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

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

VOTER ID AND TURNOUT ANALYSIS

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

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

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

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

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

Task 3.11 Public meeting on Voter Identification Requirements

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

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

028370

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

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

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

PROJECT MANAGEMENT

PEER REVIEW GROUP

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

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

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

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

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

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

COORDINATION AND INFORMATION MANAGEMENT

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

INFORMATION SYSTEM

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

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

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

INTRANET

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

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

028372

FINANCIAL REPORT

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

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

Karen Lynn-Dyson/EAC/GOV

08/16/2005 01:39 PM

To Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Juliet E.
cc Sheila A. Banks/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
bcc
Subject Fw: Sept 6th EAC meeting

Commissioners-

As mentioned in this morning's meeting, Eagleton/Moritz project staff are scheduled to come to Washington in early September to brief EAC staff on the project's progress to date.

Let me know if you would like to attend or if you will send someone in your place.

Regards-

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

---- Forwarded by Karen Lynn-Dyson/EAC/GOV on 08/15/2005 01:34 PM ----

Nicole Mortellito/CONTRACTOR/EAC/GOV

08/16/2005 11:51 AM

To tom_oneill@verizon.net
cc Karen Lynn-Dyson/EAC/GOV@EAC
Subject Sept 6th EAC meeting

Mr. O'Neill,

Just a quick note to remind you that your meeting with EAC is confirmed for September 6 at 1 p.m. in Washington. The purpose of this meeting will be to review the draft of your analysis and alternatives paper with EAC and discuss the outline and direction of the Preliminary Guidance Document.

Regards,

Nicole K. Mortellito
Assistant to the Executive Director - Thomas R. Wilkey
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone
202.566.3127 fax

Karen Lynn-Dyson/EAC/GOV
08/19/2005 03:41 PM

To "Tom O'neill" <tom_oneill@verizon.net>@GSAEXTERNAL
cc
bcc Adam Ambrogi/EAC/GOV
Subject Re: Peer Review Group

Tom-

Thank you for sharing this list of your Peer Review Group members, to-date. I will share this list with the Commissioners and will be certain to let your know of their feedback, if any.

I will also be back in touch regarding Eagleton's research around voter fraud and the research project EAC will be undertaking,this fall, around voting fraud and voter intimidation. The EAC is presently in the process of finalizing a work and staff plan for this project and once it is completed, I will be certain to brief you on it.

In the meantime, EAC staff and several of the Commissioners looks forward to meeting with the Eagleton/Moritz team on September 6 at 1:30 PM.

Regards-

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

"Tom O'neill" <tom_oneill@verizon.net>

"Tom O'neill"
<tom_oneill@verizon.net>
08/19/2005 02:20 PM

To klynndyson@eac.gov
cc
Subject Peer Review Group

Karen,

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

Tom O'Neill

RecruitmentStatus.doc

STATUS OF PEER REVIEW GROUP RECRUITMENT
(As of August 17, 2005)

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

Attorney-Client Privilege

"Torra, Michael" <Michael.Torra@mail.house.gov>
09/02/2005 04:02 PM

To "'aambrogi@eac.gov'" <aambrogi@eac.gov>
cc
bcc
Subject Re: Fw: AZ DOJ response

I'm actually out of the office today, so let's talk more when I get back, but in answer to one of your questions -- yes, the CHC has spoken out against ID requirements in the past, especially during the HAVA debate.

Michael Torra
Office of Congressman Charles A. Gonzalez

-----Original Message-----
From: aambrogi@eac.gov <aambrogi@eac.gov>
To: Torra, Michael <Michael.Torra@mail.house.gov>
Sent: Fri Sep 02 15:50:41 2005
Subject: Re: Fw: AZ DOJ response

Thanks-- we had, and it's good coverage. The AP had a piece as well-- this can be seen as a victory. Has the CHC come out officially on these ID issues? It is my opinion that the movements are being made in state legs. that will apply AZ type laws elsewhere. We obviously have good communications with House Admin and Senate Rules, as well as Whip Hoyer's office, but increased communications with Hill member offices would be helpful, if you have any suggestions.

AP Article:

Feds revise stance on Arizona voter ID requirement

Wednesday, August 31, 2005 7:43 PM PDT

PHOENIX (AP) - Arizona voters may be able to obtain at least a provisional ballot at polling places even if they don't show required identification despite the ID requirement in a ballot measure approved by voters last year. Whether that provisional ballot gets counted is another question.

The U.S. Justice Department in January signed off on election-law changes made by Proposition 200 itself. And a top department official in April signaled that the state would not run afoul of federal law if it put into place procedures to implement the ballot measure's voter ID mandate.

However, a different department official on Thursday wrote the state, saying it was "necessary to clarify our earlier interpretation in order to ensure an accurate representation of the Justice Department's views."

Acting Assistant Attorney General Bradley J. Schlozman's letter to a state official said the federal Help America Vote Act of 2002 requires that a person claiming to be an eligible voter and willing to sign a statement to that effect be given at least a provisional ballot.

However, HAVA leaves it up to states to decide whether a person who casts a provisional ballot is actually eligible to vote and therefore whether a provisional ballot should be counted, Schlozman wrote. Therefore, the state is free to

prohibit the counting of a provisional unless the voter produces proper identification on or after election day, Schlozman added.

Schlozman ended his letter by apologizing "for any confusion generated by our earlier response."

The revised federal position runs counter to polling-place rules which Republican Secretary of State Jan Brewer and other top state officials adopted after months of legal and political wrangling among themselves and with lawmakers after Democratic Gov. Janet Napolitano vetoed two voter-ID bills passed by the Republican-led Legislature.

Reacting to Schlozman's letter, Brewer said she's willing to revise the election rules, now waiting for Justice Department clearance under the Voting Rights Act, to let voters get a provisional ballot even without ID at the polls but not to count that ballot counted unless the voter later shows ID to election officials within a certain number of days.

"If they don't, it doesn't get counted. It's on their back," Brewer said.

In vetoing the bills, Napolitano had argued that HAVA entitled voters to cast provisional ballots and a top gubernatorial adviser said Thursday that the revised Justice Department position supports the governor's view.

"I think they've seen the light," said Napolitano general counsel Tim Nelson.

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

"Torra, Michael" <Michael.Torra@mail.house.gov>

09/02/2005 02:16 PM To
"'aambrogi@eac.gov'" <aambrogi@eac.gov>
cc
Subject

Fw: AZ DOJ response

You may have seen this already...

Michael Torra
Office of Congressman Charles A. Gonzalez

-----Original Message-----
From: Montano, Gloria <Gloria.Montano@mail.house.gov>
To: Torra, Michael <Michael.Torra@mail.house.gov>
Sent: Fri Sep 02 14:15:31 2005
Subject: AZ DOJ response

<<image001.gif>> FYI

The Arizona Republic

Federal official upends Prop. 200 voter ID rule

Robbie Sherwood
The Arizona Republic
Sept. 2, 2005 12:00 AM

Arizonans who show up to the polls without identification must be given a provisional ballot, a top federal Justice Department official warned Thursday.

That opinion dealt a blow to Arizona's requirement that voters must show identification in order to cast a ballot at the polls, and throws into question rules approved under Proposition 200 to combat voter fraud.

Acting Assistant Attorney General Bradley Schlozman wrote to Secretary of State Jan Brewer Thursday and told her that a voter who shows up to the polls without identification must be given a provisional ballot.

That legal opinion contradicts a key portion of Brewer's much-delayed plan to carry out Proposition 200's voter-identification requirement, which was sent to the Justice Department for approval in early August. That plan, which Attorney General Terry Goddard and Gov. Janet Napolitano also signed off on, said any voter unable to produce proper identification would be turned away and not be allowed to cast a provisional ballot.

Provisional, or contested, ballots are put into sealed envelopes and verified later. They are counted only if the signature on the ballot envelope matches the signature on a person's voter registration.

While the letter said voters must be given provisional ballots whether or not they have identification, it added that state officials can still decide whether to count the ballots. It did not say that state election officials had to count the ballots.

Brewer said she had not seen the letter, but said she would comply with the department's interpretation of the law.

Brewer did not believe the letter meant that the Justice Department would reject Arizona's voter-identification plan. The plan is still under review for compliance with the Voting Rights Act and election officials hope to have the new rules in place before local elections in November.

"My gut instinct is, if that's what DOJ says, then we will give provisional ballots," Brewer said. "But we will also (give voters) three or five days to return to the county elections director with ID before we count those votes. The people said they wanted ID at the polls with Prop. 200. So those votes won't be counted until they bring back their identification. Simple."

Not so simple, said Pima County Recorder F. Ann Rodriguez, one of Brewer's most powerful critics on the voter-identification issue.

Rodriguez said it would be impractical to require voters to travel to county election offices to prove their identity, as well as a logistical nightmare. Maricopa County had over 65,000 provisional ballots in the 2004 election, and Pima County had over 60,000. Rodriguez said election officials already have a method to verify provisional ballots by matching the signature on the ballot envelope with the voter's signature on their registration form.

"Considering gas is now $3 a gallon, and how far somebody might live from the elections office, are voters really going to do that?" Rodriguez said. "That sounds like a quick response off the top of (Brewer's) head without really thinking it through."

So there could be more battles ahead.

Thursday's letter also contradicted - or "clarified" - a letter sent in April from a different Justice Department official to Brewer. She and other Proposition 200 supporters had used the letter to justify a hard-line stance against providing provisional ballots to voters without identification. Brewer had also used the April letter to chastise Napolitano for vetoing a bill that would have prevented people from casting a provisional ballot at polling places if they didn't have identification.

The letter Brewer received in April raised some eyebrows at the time. It had come from a politically appointed Justice Department official, Sheldon Bradshaw. He had resigned and started a new job as chief counsel for the Food and Drug Administration two weeks before he wrote to Brewer.

Schlozman didn't say why he disagreed with Bradshaw's earlier letter but wrote "we feel it necessary to clarify our earlier interpretation in order to ensure an accurate representation of the Justice Department's views."

Thursday's letter reversed Bradshaw's position and left Napolitano's chief legal adviser feeling vindicated.

"We've said all along that federal law requires provisional ballots and the statute was crystal clear on that," said Tim Nelson, Napolitano's general counsel. "This certainly calls into question whether the DOJ is gong to pre-approve the secretary of state's voter manual."

Nelson said Napolitano disagreed with Brewer over denying provisional ballots to those who lacked identification, but backed off because it appeared the idea had the backing of the Justice Department, and Attorney General Goddard had agreed as well.

Goddard said Thursday he was still evaluating the department's letter but said, "It appears to be a major change in position about identification on provisional ballots, and is pretty much in line with the governor's position."

Gloria Montaño

Deputy Chief of Staff

Congressman Raúl M. Grijalva

Arizona District 7

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(202) 225-2435 (202) 225-1541(fax)

gloria.montano@mail.house.gov

www.house.gov/grijalva

Karen Lynn-Dyson/EAC/GOV

09/19/2005 01:05 PM

To Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Donetta L.
cc Sheila A. Banks/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC
bcc
Subject Fw: August Progress Report - Eagleton Institute of Politics

Commissioners-

FYI-

Eagleton's August progress report.

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

---- Forwarded by Karen Lynn-Dyson/EAC/GOV on 09/18/2005 01:02 PM -----

"Lauren Vincelli "
<Vincelli@rutgers.edu>

09/15/2005 12:04 PM

Please respond to Vincelli@rutgers.edu

To klynndyson@eac.gov
cc tom_oneill@verizon.net, jdobrich@eden.rutgers.edu
Subject August Progress Report - Eagleton Institute of Politics

Hi Karen,

Attached is the August progress report in fulfillment of our Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures. Please note, as per your instructions earlier this month, that the financial report will be sent via Fedex under separate cover to: Ms. Dianna Scott, Administrative Officer, EAC. Also attached to the progress report is a finalized list of our Peer Review Group members. If you have any questions regarding this report, please contact Tom O'Neill at (908) 794-1030 or tom_oneill@verizon.net.

Have a great day,
Lauren Vincelli

Lauren Vincelli
Business Assistant, Eagleton Center for Public Interest Polling
Eagleton Institute of Politics, Rutgers University
Carriage House, 185 Ryders Lane
New Brunswick, NJ 08901
Phone: (732) 932-9384, ext. 237
Fax: (732) 932-1551

Progress Report_AUGUST2005_EagletonInst.pdf

EAGLETON INSTITUTE OF POLITICS

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

MONTHLY PROGRESS REPORT
AUGUST 2005

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

September 15, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

028384

Deliberative Process Privilege

OUTLINE

- Introduction
- Provisional Voting
  - Task 3.5
- Voter Identification Requirements
  - Task 3.10
  - Task 3.11
- Project Management
  - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from August 1 through August 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

Research on Provisional Voting and a draft of reports on the analysis and alternatives were substantially completed in preparation for the September 6 briefing for the EAC. Important reports such as the National Survey of Local Election Officials' Experience with Provisional Voting; Statistical Review Provisional Voting in the 2004 Election; State-by-state Narrative of Developments in Provisional Voting; and the compilation of Provisional Voting statutes, regulations, and litigation from the 50 states, were all completed in August.

We made further progress on recruiting a balanced and authoritative Peer Review Group (which, as this report is written, is receiving all the documents listed above for review). Ingrid Reed of Eagleton will coordinate the work of the Peer Review Group. A list of the members of the Peer Review Group is attached.

This report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to Tom O'Neill at: tom_oneill@verizon.net or (908) 794-1030.

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to provisional voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed in August, and Task 3.5 is well underway.

Task 3.5: Analysis and Alternative Approaches. Assess the potential, problems, and challenges of provisional voting and develop alternative means to achieve the goals of provisional voting.

LEGISLATION, REGULATIONS, AND LITIGATION

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

Description: The Moritz team has created a 50-state chart to summarize information on provisional voting, compiled statutes, case law and administrative procedures regarding Provisional Voting and is near completion with this research.

Progress: We completed the state by state summaries of provisional voting in August. Also complete is a memorandum outlining provisional voting legislative changes since the 2004 election. This material was sent to the EAC as part of the package for briefing on September 6.

Challenges: The variety in the form and frequency of provisional voting legislation from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The analysis of all the information, data, and survey results concerning provisional voting data will be completed in September, on schedule. The alternatives document should also be complete in September, pending response from the EAC on which direction those alternatives should follow.

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with provisional voting in 2004. The report findings from the survey of 400 local election officials is now complete. The survey results improve our understanding of actual practice in administering provisional voting, including the steps local officials took to prepare for the election.

028386

PROVISIONAL VOTING NARRATIVES

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

Progress: A state-by-state narrative of developments in Provisional Voting is complete and has been distributed to the EAC and the Peer Review Group. This work has been crucial to the process of constructing our draft analysis and recommendation of alternative approaches for provisional voting required under Task 3.5.

Challenges: The primary obstacle to constructing the narratives was difficultly in communicating and obtaining necessary information from various state officials. As a result, the narratives underwent multiple revisions in order to incorporate the most up-to-date material available. Had the Election Day Study been available, this task would probably have been simplified considerably.

Work Plan: We completed revisions of the narratives.

SURVEY OF COUNTY ELECTION OFFICIALS

Description: The Center for Public Interest Polling (CPIP) at Eagleton conducted a national survey of county election officials to measure several aspects of provisional voting.

Progress: The analysis of the survey results and findings report are complete.

Work Plan: We used the information from the survey in drafting the analysis and alternatives document required under Task 3.5.

028387

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of provisional voting, and is becoming the principal focus of our research.

Task 3.10: Legislation, regulations, and litigation

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

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

Progress: We are refining the 50 state (plus District of Columbia) chart of data on voter identification. So far collected are voter identification statutes for 35 states. Summaries of the existing voter identification statutes have been written for forty states.

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

Work Plan: The state by state voter identification statute summaries will be completed for the remaining ten states and D.C. and the review of the chart will be completed. Analysis of voter identification data will begin.

SUPPLEMENTS TO LEGAL ANALYSIS

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

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

028388

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

VOTER ID AND TURNOUT ANALYSIS

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

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

Progress: The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. We have also utilized exit poll data collected on Election Day 2004 as a resource for understanding the demographics of voter turnout. The analysis of that data is underway.

Challenges: The main challenges to this task include gathering the complete set of changes to Voter ID laws over the past 5 years, and then incorporating those changes into a sound statistical methodology.

Projection: We will continue to work towards resolving the methodology issue, and ultimately produce a final report on this subject. The analysis of the impact that voter identification requirements have upon voter turnout should be completed around mid-September.

028389

PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). The Peer Review Group will review our research and methodology and provide valuable feedback and suggestions for the direction of our work.

Progress: The composition of the Peer Review Group has been determined and the membership has been submitted to the EAC. Additionally, as of the date of this report all PRG members have received their first mailing, which included several reports from our research, and a draft of our analysis and alternatives outline for their review.

Challenges: Our timeline for circulating and discussing our research with the PRG has been compromised due to delays in completing the recruitment of members of the group.

Projections: We are in the process of scheduling our first conference call with PRG members for the week of Sept. 19, 2005.

COORDINATION AND INFORMATION MANAGEMENT

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

INFORMATION SYSTEM

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

Progress: At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. As we near the end of the Provisional Voting research and move into the Voter Identification research, we will re-evaluate the volume of files contained in the Information System and update the system.

Projections: The entire project team continues to review all project drafts, and will staff members combine and format all documents and materials in preparation for our final reporting to the EAC.

INTRANET

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

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

FINANCIAL REPORT

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

A detail of expenses incurred from project August 1 - August 31, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer, EAC .

ATTACHMENT:
PEER REVIEW GROUP
FINAL LIST (09/13/05)

R. Michael Alvarez
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1200 East California Institute of Technology
Mail box 228-77
Pasadena, CA 91125
rma@hss.caltech.edu
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School of Law, University of Minnesota
342 Mondale Hall
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University of Virginia School of Law
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Stanford Law School
559 Nathan Abbott Way
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University of Missouri-Kansas City
Political Science Department
5120 Rock Hill Road, 213 Haag Hall
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School of Law, UCLA
Box 951476
Los Angeles, CA 90095-1476
lowenste@law.ucla.edu
Tel: (310) 825-4841

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Salisbury University
1101 Camden Avenue
Fulton Hall - 225
Salisbury, MD 21804
tgorourke@salisbury.edu
Tel: (410) 543-6000

Bradley A. Smith
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Capital Law School
303 East Broad Street
Columbus, OH 43215
bsmith@law.capital.edu
Tel: (614) 236-6500

Tim Storey
Program Principal
National Conference on State Legislatures
7700 East 1st Place
Denver, CO 80230
Tel: (303) 364-7700 or
Tel: (202) 624-5400

Peter G. Verniero
Counsel
Sills, Cummins, Epstein and Gross, PC
One Riverfront Plaza
Newark, NJ 07102
pverniero@sillscummins.com
Tel: (973) 643-7000

Karen Lynn-Dyson/EAC/GOV
09/27/2005 03:40 PM

To Vincelli@rutgers.edu, Juliet E. Thompson/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Thomas R.
cc arapp@rutgers.edu, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, foley.33@osu.edu, ireed@rutgers.edu, iwreed@aol.com,
bcc

Subject Re: EAC Conference Call - Friday 9/30

Eagleton/Moritz team-

I'd leek to propose a conference call with EAC Commissioner Martinez, General Counsel ,Julie Thompson, Research Manager Karen Lynn-Dyson and your team for either **10:30 or 1:30 on Friday, September 30.**

This will be to discuss the draft guidance and final report you will be producing for the EAC.

Please let me know which time works for you

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

"John Weingart"
<john.weingart@rutgers.edu>
09/27/2005 03:56 PM
Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov
cc Vincelli@rutgers.edu, jthompson@eac.gov, aambrogi@eac.gov, rmartinez@eac.gov, twilkey@eac.gov, arapp@rutgers.edu, davander@eden.rutgers.edu,
bcc
Subject Re: EAC Conference Call - Friday 9/30

Karen - Let's do it on Friday at 1:30. From my initial polling, at least Tom O'Neill, Ingrid Reed and I will be available. Since we will not all be at the same location, would you like us to initiate a conference call from here and give you a number to call in to?

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

klynndyson@eac.gov wrote:

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

Karen Lynn-Dyson/EAC/GOV
09/27/2005 04:49 PM

To john.weingart@rutgers.edu
cc aambrogi@eac.gov, arapp@rutgers.edu, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, foley.33@osu.edu, ireed@rutgers.edu, iwreed@aol.com,
bcc
Subject Re: EAC Conference Call - Friday 9/30

Excellent-

Friday at 1:30 it is.

Please do let the EAC staff know what number to call. Ray Martinez and Tom Wilkey may be calling from the road. Julie Thompson and I will be here.

Thanks, again

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

"John Weingart" <john.weingart@rutgers.edu>
09/27/2005 03:56 PM
Please respond to john.weingart@rutgers.edu

To klynndyson@eac.gov
cc Vincelli@rutgers.edu, jthompson@eac.gov, aambrogi@eac.gov, rmartinez@eac.gov, twilkey@eac.gov, arapp@rutgers.edu, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, foley.33@osu.edu, ireed@rutgers.edu, iwreed@aol.com, joharris@eden.rutgers.edu, lauracw@columbus.rr.com, rmandel@rci.rutgers.edu, sampson.8@osu.edu, tokaji.1@osu.edu, "'Tom O'Neill" <tom_oneill@verizon.net>, vincelli@rci.rutgers.edu, williams.285@osu.edu
Subject Re: EAC Conference Call - Friday 9/30

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

Karen Lynn-Dyson/EAC/GOV

09/28/2005 01:28 PM

To Raymundo Martinez/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC

cc Adam Ambrogi/EAC/GOV@EAC

bcc

Subject Getting together today or tomorrow at 4:00

I've had a chance to go over, more thoroughly,the Eaglteon study and findings and think it would be helpful for you all to take a special look at the research that was done related to provisional case law.

Shall we get together for about an hour or so today or tomorrow, so that you all can look through this material? This would be in preparation for Friday's call with Eagleton.

Thanks

K

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

Karen Lynn-Dyson/EAC/GOV
09/28/2005 04:11 PM

To john.weingart@rutgers.edu, Raymundo Martinez/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC, Adam
cc
bcc
Subject Re: EAC Conference Call - Friday 9/30

Thanks for passing on the call-in information. We look forward to speaking with the team then.

Regards-

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

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

"John Weingart"
<john.weingart@rutgers.edu>
09/28/2005 04:01 PM
Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov
cc
Subject Re: EAC Conference Call - Friday 9/30

Karen - For our conference call this Friday at 1:30, participants should dial (877) 805-0964 and then when prompted enter: 869580#. Could you relay this information to Commissioner Martinez and the others from the EAC who will be on the call. At our end will be Tom O'Neill, Ingrid Reed and me.

Thanks, John

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

klynndyson@eac.gov wrote:

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> Excellent-
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>
> To
> klynndyson@eac.gov
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> Vincelli@rutgers.edu, jthompson@eac.gov, aambrogi@eac.gov,
> rmartinez@eac.gov, twilkey@eac.gov, arapp@rutgers.edu,
> davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, foley.33@osu.edu,
> ireed@rutgers.edu, iwreed@aol.com, joharris@eden.rutgers.edu,
> lauracw@columbus.rr.com, rmandel@rci.rutgers.edu, sampson.8@osu.edu,
> tokaji.1@osu.edu, "'Tom O'Neill'" <tom_oneill@verizon.net>,
> vincelli@rci.rutgers.edu, williams.285@osu.edu
> Subject
> Re: EAC Conference Call - Friday 9/30
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> -- John Weingart, Associate Director
> Eagleton Institute of Politics
> (732)932-9384, x.290
>
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>
> klynndyson@eac.gov wrote:
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> > U.S. Election Assistance Commission
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> > Washington, DC 20005
> > tel:202-566-3123
>
>
>

"Tova Wang"
<wang@tcf.org>
10/06/2005 11:39 AM

To aambrogi@eac.gov
cc
bcc
Subject October 28 meeting

History: This message has been replied to

Hi Adam,

It was great meeting you at the UDC Law Symposium last week. I wanted to let you know that we are having a meeting about the voter fraud and intimidation meeting at 10 AM on October 28 at the EAC, and it would be great if you and Commissioner Martinez could be there. Let me know, and let's stay in touch. Thanks so much.

Tova

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

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Click here to receive our weekly e-mail updates.

"Tova Wang"
<wang@tcf.org>
10/06/2005 12:04 PM

To aambrogi@eac.gov
cc
bcc
Subject RE: October 28 meeting

History: This message has been replied to.

Adam,

Just to make sure we're talking about the same thing, I'm actually not going to be at the "kick-off" on the 14th. This is a meeting just about our project on the 28th. The project is already underway and the contracts finalized.

Since the meeting I refer to on the 28th is from 10-12, is there any possibility of the three of us having lunch after that?

Tova

-----Original Message-----
From: aambrogi@eac.gov [mailto:aambrogi@eac.gov]
Sent: Thursday, October 06, 2005 11:01 AM
To: wang@tcf.org
Subject: Re: October 28 meeting

Tova:

I was about to email you as well. It was certainly good to meet you last week, as I've heard about your work through numerous sources, and am glad we have finally been able to chat. As with many things (we started to discuss), the EAC is doing a lot of these projects for the first time. And unlike a thinktank, or nonprofit, we are constrained in a number of ways, and there are "sensitivities" that exist. Of course, there are benefits to not being a nonprofit, as well.

I'll state that at least myself, but hopefully Cmsr. Martinez will be at the kickoff meeting. You may do this already, but I would attempt to lay out the ideal structure for your involvement in the contract, and perhaps communicate this to Karen and the other contractor immediately before the meeting. That will frame this contract structure (beyond the terms of the agreement) to your liking.

Obviously a suggestion. However, I think that the goal is good, efficient research that is unimpeachable in partisan or methodological grounds--that will then be submitted to the Commission for it approval (and actually getting its approval).

Feel free to call me anytime. If you're in DC before then, and have some time, let's get Cmsr Martinez, you and I together for lunch or coffee.

Best,
Adam

Adam D. Ambrogi

Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

"Tova Wang" <wang@tcf.org>

10/06/2005 11:39 AM

To aambrogi@eac.gov
cc
Subject October 28 meeting

Hi Adam,

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Tova

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Senior Program Officer and Democracy Fellow
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phone: 212-452-7704 fax: 212-535-7534

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

Click here to receive our weekly e-mail updates.

Karen Lynn-Dyson/EAC/GOV

10/18/2005 04:36 PM

To Adam Ambrogi/EAC/GOV@EAC
cc
bcc
Subject Fw: Requested Documents

History: This message has been forwarded.

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

---- Forwarded by Karen Lynn-Dyson/EAC/GOV on 10/17/2005 04:35 PM ----

Karen Lynn-Dyson/EAC/GOV

10/18/2005 04:24 PM

To aimee sherrill
cc
Subject Fw: Requested Documents

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

---- Forwarded by Karen Lynn-Dyson/EAC/GOV on 10/17/2005 04:23 PM ----

"Job Serebrov" <serebrov@sbcglobal.net>

08/19/2005 12:16 PM

To "Karen Lynn Dyson" <klynndyson@eac.gov>
cc
Subject Requested Documents

Karen:

Here are the documents that you requested.

Regards,

Job ResumeReg.doc Summary of Election Activities

JOB SEREBROV

2110 S. Spring St.
Little Rock, AR 72206
501.374.2176 (H)
501.324.7330 (O)
serebrov@sbcglobal.net

LEGAL PRACTICE:

Law clerk to Judge Lavenski R. Smith, U.S. Court of Appeals for the Eighth Circuit; *425 West Capitol Ave., Ste. 3110, Metropolitan Bank Bldg., Little Rock, Arkansas 72201*

Supervisor: Judge Lavenski R. Smith, 501.324.7310
Hours per week: 40+Dates of employment: August 2004-August 2005

Job duties: Legal research for cases assigned monthly by the judge, drafting of case memorandums and opinions, review of administrative panel and death penalty appeals and attendance at oral argument when required

Private practice of law

Supervisor: Self
Hours per week: 40+Dates of employment: April 1991 - December 1998, May 1999 - July 2004

Associate attorney, The Nixon Law Firm; *2340 Green Acres Road, Ste. 12, Fayetteville, Arkansas 72703*

Supervisor: David Nixon, 479. 582.0020
Hours per week: 40+Dates of employment: December 1998-April 1999

Areas of legal practice:

- Federal and state voting issues and election law
- Federal and state civil and criminal appeals and habeas petitions
- Discovery, trial preparation, trial briefs, trial strategy
- Legislative drafting and review
- Legislative and regulatory advocacy
- Initiatives and referendums
- Administrative law
- Constitutional law
- Legal research and writing
- Election consulting for federal and state candidates
- International development projects

Special Law Clerk, Judge Jay Finch, Nineteenth Judicial Circuit West, Division 3, *203 East Central, Bentonville, AR 72712*

Supervisor: Judge Jay Finch, 479.271.1020
Hours per week: varied Dates of employment: December 1998-January 1999

Job duties: research and writing, attendance at hearings, drafting of the opinion

BAR ADMISSIONS:

FEDERAL

- U.S. Supreme Court
- U.S. Court of Appeals for the following circuits: First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, D.C., and Federal
- U.S. Court of Appeals for the Armed Forces
- U.S. Court of Federal Claims
- U.S. Court of International Trade

STATE

- Supreme Court of Oklahoma *(1991)*
- Supreme Court of Nebraska *(1992)*
- Supreme Court of Arkansas *(1994)*

LEGAL ASSOCIATIONS

- Oklahoma Bar Association
- Nebraska Bar Association
- Arkansas Bar Association
- Inter-American Bar Association

BAR ACTIVITIES:

Chairman/Founder, Appellate Practice Committee, Arkansas Bar Association, *Little Rock, Arkansas,* 1993-1996

Member, Drafting Committee, Appeals in Arkansas, Arkansas Bar Association, *Little Rock, Arkansas,* 1996

PUBLICATION:

- "Arkansas Appellate Motion Practice" in *Handling Appeals in Arkansas*, Arkansas Bar Association, 1996

LEGISLATIVE EXPERIENCE:

Senior consultant, AfricaGlobal, Inc., *Washington, D.C.*, March 2001-December 2003

- Advised on African political and economic affairs
- Served as a liaison for the company in a sugar development/refinery project in the Caprivi region of Namibia and interacted with the Office of the Namibian President and National Assembly
- Retained by the Namibian government and AfricaGlobal to draft a sugar act

Legislative Adviser to the Speaker of the Namibian National Assembly, the Director of the Namibian Election Commission, and the Vice Chancellor of the University of Namibia, January 2000-June 2002

- Reviewed Namibian Election Code and drafted memorandum with recommended improvements
- Drafted national legislation merging the independent agricultural college into the University of Namibia system
- Drafted national legislation guaranteeing voting rights to agricultural workers

Registered Election Expert with the United Nations, IFES, and the Electoral Institute of Southern Africa, 2002-present
Consultant to various members of the Arkansas General Assembly, *Little Rock, Arkansas*, 1994-1999

- Advised on constitutionality of proposed legislation
- Drafted legislation

Consultant to the Arkansas Court of Appeals Redistricting Commission, *Little Rock, Arkansas*, 1996-1998

- Drafted five redistricting bills and maps for the constitutionally required redistricting of the Court of Appeals

Member of the Committee on Department of Corrections, Murphy Commission - Restructure of Arkansas Government, *Little Rock, Arkansas,* 1996-1997

- Reviewed the existing structure of the state Department of Corrections
- Advised on how to streamline the department

ADMINISTRATIVE & QUASI-JUDICIAL EXPERIENCE:

Commissioner, Little Rock Historic District Commission, *Little Rock, Arkansas,* 2005-2008

- Enforce city regulations regarding alteration to structures in the Little Rock Historic District
- Sit as an administrative tribunal for approval of petitions under the Historic Design Guidelines

Member, Board of Directors of the Arkansas Historic Museum, *Little Rock, Arkansas,* 2005-2006

- Approve museum operations and budget
- Attend museum functions and fund raisers

Director of International Development, Louisiana State University, *107 Hatcher Hall, Baton Rouge, Louisiana 70803*

Supervisor: Dr. Stephen Lucas, 225. 578.6801
Hours per week: 40+Dates of employment: February 2000-August 2003

Job duties:

- Interacted with U.S. and state government agencies, NGOs, foreign governments and universities, and other LSU departments and officials
  - Worked with the Louisiana congressional delegation to get a $12.5 million international project funded in fiscal years 2002 and 2003
  - Drafted a proposal for the president of the Louisiana Chemical Association and U.S. Senator John Breaux on building a regional system to neutralize transuranic waste from nuclear power plants
- Developed, drafted, wrote grants for, and administered international research, training, education, and consulting projects, especially those dealing with democratization issues
- Drafted and negotiated international contractual agreements for research and faculty and student exchange with universities and research centers

- Hired and supervised staff
- Drafted office budget, project budgets, and strategic plans
- Reorganized and expanded the role of the Office of International Development
- Advised the Office of International Programs and individual units on improving public relations; consulted on PR strategies

Chairman, Committee for the Revision of the Arkansas Constitution, State Political Party of Arkansas, *Little Rock, Arkansas,* 1995-1996

- Headed committee comprised of state legislators, attorneys, business people, and an appellate judge to review the proposed state Constitution and make recommendations

Member, Washington County Board of Election Commissioners, *Fayetteville, Arkansas*

No supervisor Dates: 1990-1996

Job duties:

- Enforced election laws within the county
- Drafted administrative regulations for the commission
- Supervised the training of poll workers
- Evaluated various voting systems and purchased an optical scan system to be used countywide
- Prepared and defended annual budgets before the Washington County Quorum Court
- Sat as a member of an administrative tribunal
- Hired and supervised staff

EDUCATION:

- **Graduate Certificate, Election Governance, Griffith University,** *Queensland, Australia (2003)*
- **Master of Law, University of Arkansas School of Law,** *204 Waterman Hall, Fayetteville, Arkansas 72701 (1993)* **Mini Thesis:** "Water Rights in Indian Country"
- **Juris Doctorate, Washburn University School of Law,** *1700 College Ave., Topeka, Kansas 66621 (1984)*
- **Bachelor of Arts in History, Rutgers University,** *Administrative Services Bldg., 65 Davidson Road, Bush Campus, Piscataway, New Jersey 08854-8096 (1980)*

REFERENCES:

Judge Morris Arnold
U.S. Court of Appeals
for the Eighth Circuit
P.O. Box 2060
Little Rock, AR 72203-2060
501.324.6880

Judge Lavenski Smith
U.S. Court of Appeals
for the Eighth Circuit
425 West Capitol, Ste. 3110
Little Rock, AR 72203
501.324.7310

Brenda Turner
Chief of Staff
Office of the Governor
State Capitol Building, Suite 250
Little Rock, AR 72201
501.682.3608

Judge Herb Ashby
Former judge, Second Appellate District, Division 5
2691 Baywater Place
Thousand Oaks, CA 91362
805.493.8205

Judge Jay Finch
Nineteenth Judicial
Circuit West, Division 3
203 East Central
Bentonville, AR 72712
479.271.1020

Karen Lynn-Dyson/EAC/GOV

10/18/2005 04:38 PM

To Amie J. Sherrill/EAC/GOV@EAC
cc
bcc Adam Ambrogi/EAC/GOV
Subject Fw: Requested Documents

Aimee-

In case you couldn't open up the document which describes Job's elections background

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

---- Forwarded by Karen Lynn-Dyson/EAC/GOV on 10/17/2005 04:36 PM ----

"Job Serebrov" <serebrov@sbcglobal.net>

08/19/2005 04:14 PM

To klynndyson@eac.gov
cc
Subject Re: Requested Documents

Karen:

I enjoyed the discussion too. I really think that this project will be of national importance and can positively affect elections administration while providing an answer to the handling of the vote fraud problem for the future.

On another note, why don't you leave an evening free while I am there for dinner. I am trying to bring my wife along. If you can bring your husband it could make for an interesting evening.

Regards,

Job

Summary of Election Activities of Job Serebrov

Background to Election Problems in Arkansas

Ever since Reconstruction, Arkansas has had a history of election problems. The election fraud that gave rise to the Brooks-Baxter War in Arkansas in the 1870s involved people from both sides of the aisle voting more than once, the dead rising to cast a ballot or two, destroying ballots, creating ballots and making ballot boxes disappear. A strong one-party system

perpetuated this tradition into modern times.

In 1995, I met with Arkansas Supreme Court Justice Tom Glaze to discuss voting issues and my efforts to clean up the electoral process. Although supportive, Justice Glaze encouraged me to proceed with caution. Before being elected to the Supreme Court, Justice Glaze had been employed in the 1960s by Gov. Win Rockefeller to clean up ballot fraud throughout Arkansas. He was nearly disbarred in the process by those involved in ballot fraud in a small, rural county.

Shortly after my discussion with Justice Glaze, I discovered how pervasive the election problems were in the state. For instance, ballot boxes were stuffed or disappeared into the night only to return altered. Contrary to state law, county sheriffs running in contested elections maintained custody of the ballot boxes. In one instance, 20 voted ballot boxes were found in the attic of a sheriff's deputy after he died.

Attorney (1991-2004)

In my private practice as an attorney, I represented numerous clients in county election contests throughout Arkansas. I also represented clients in matters before the Federal Election Commission. I have never lost an election case. Finally, I was hired as a consultant to a major nonprofit legal organization to review and summarize the 2002 amendments to federal election laws and apply the new law to 10 scenarios.

Member, Washington County Board of Election Commissioners, Fayetteville, Arkansas (1990-1996)

This board consisted of three commissioners; I was the lone Republican. We were charged with supervising the training of poll workers, evaluating voting systems and then purchasing an optical scan system to be used countywide, preparing and justifying our annual budget before the Washington County Quorum Court, hiring and supervising staff and sitting as an administrative tribunal.

When I first came on the board, Washington County was primarily a one-party county and the Democrats were used to running elections according to tradition rather than the law. I had to battle with the two Democrats on the board to enforce election laws within the county. As I started to force the issue in the courts, the Republican Party gained strength. Four years later and after outlasting eight Democrat commissioners, I was able to work with new Democrat commissioners who recognized the need to enforce the law. At this point, the commission requested that I draft administrative regulations for the board. These remain in place today.

Founder, President, General Counsel; Arkansans for Fair Elections (1994-1999)

In 1994, Gov. Mike Huckabee (R), then a candidate for lieutenant governor, asked me to serve as his general counsel for ballot fraud protection. Thinking it best to act independently of any candidate, I formed Arkansans for Fair Elections. I served as the organization's president and, later, general counsel. This group launched a statewide educational campaign to train poll watchers to recognize irregular or fraudulent electoral procedures; this included the creation of literature and a video. Our extensive public relations campaign brought media attention to the issue. We also organized a statewide team of citizen poll watchers and attorneys to ensure that the election laws were fairly enforced. We were so successful in the lieutenant governor's race that Arkansans for Fair Elections was asked to continue the effort until 1999 when I moved to Louisiana.

General Counsel - Ballot Fraud Protection Committee, Republican Party of Arkansas (1995-1999)

In late 1995, Asa Hutchinson, chairman of the Republican Party of Arkansas, appointed me as general counsel for the newly formed Ballot Fraud Protection Committee of the state party. I retained this position until 1999. I was responsible for coordinating statewide enforcement efforts and directing a legal team to respond to problematic situations prior to and on election day.

(Through my role with Arkansans for Fair Elections and the Ballot Fraud Protection Committee, I successfully sued or negotiated a settlement in more than two-thirds of the 75 counties in Arkansas over electoral irregularities.)

Legal Consultant to Republican Members of the Arkansas General Assembly (1994-1996)

Republicans in the General Assembly requested that I review and draft suggested changes to Arkansas election law. Based on my personal experience as an election commissioner and as an election attorney, I identified a number of areas of concern and drafted new statutes modeled on the best examples that I could find from other states. My proposal was not passed by the Democrat-controlled General Assembly as a package, however, several of its components were passed into law.

Consultant to the Arkansas Court of Appeals Redistricting Commission (1996-1999)

I drafted five redistricting bills and maps for the

constitutionally required redistricting of the Arkansas Court of Appeals. These bills were based on current U.S. Supreme Court precedent regarding gerrymandering. I had to present each bill and give supporting testimony to the commission.

Director of International Development - Louisiana State University, Baton Rouge, Louisiana (2000-2003)

Part of my duties as director was to develop international cooperative projects. The theme of several of these proposals was democratization. In each case, I required review of the national election code of the country involved.

My activities in Namibia led to a request by the director of the Namibian Election Commission, Joram Rukambe and the Speaker of the Namibian National Assembly, Dr. Mose Tjitendero to review and suggest changes to the Namibian election code. This review took three months and resulted in proposed alterations a number of code sections. These suggestions were considered by the Namibian National Assembly and a number were incorporated into the code revisions. Additionally, I drafted legislation for the Speaker to guarantee voting rights to agricultural workers that were being denied by the owners of the farms. This legislation also was passed into law.

During this time, I was qualified as an election expert and placed on an election consultant list by the United Nations, IFES and the Electoral Institute of Southern Africa.

Related Memberships

- Republican Party of Arkansas (1990-1999)
- Benton County, Arkansas, Republican Committee (1996-1999)
- Washington County, Arkansas, Republican Committee (1990-1996)

(When we moved to Louisiana in 1999, the party was in such turmoil that is was difficult to get involved. This past year, I have been prohibited by the Hatch Act from participating in partisan politics. This prohibition ends August 19 when my judicial clerkship ends.)

Related Education

- Graduate certificate in electoral governance, Griffith University, Queensland, Australia (2003)

Karen Lynn-Dyson/EAC/GOV

11/14/2005 05:35 PM

To Paul DeGregorio/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Donetta L.
cc Amie J. Sherrill/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Elieen L. Collver/EAC/GOV@EAC, Bert A.
bcc
Subject Fw: October Progress Report

FYI-

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

---- Forwarded by Karen Lynn-Dyson/EAC/GOV on 11/13/2005 05:32 PM ----

"Tom O'neill" <tom_oneill@verizon.net>

11/14/2005 05:27 PM

To klynndyson@eac.gov
cc tokaji.1@osu.edu, foley.33@osu.edu, lauracw@columbus.rr.com, Vincelli@rutgers.edu, arapp@rci.rutgers.edu, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, ireed@rutgers.edu, joharris@eden.rutgers.edu, john.weingart@rutgers.edu, rmandel@rci.rutgers.edu, "'Johanna Dobrich'" <jdobrich@eden.rutgers.edu>
Subject FW: October Progress Report

Tom O'Neill

-----Original Message-----
From: Tom O'neill [mailto:tom_oneill@verizon.net]
Sent: Monday, November 14, 2005 5:26 PM
To: klynndyson@eac.gov
Cc: Vincelli@rutgers.edu; arapp@rci.rutgers.edu; davander@eden.rutgers.edu; dlinky@rci.rutgers.edu; ireed@rutgers.edu; joharris@eden.rutgers.edu; john.weingart@rutgers.edu; rmandel@rci.rutgers.edu; 'Johanna Dobrich'; tokaji.1@osu.edu; foley.33@osu.edu; lauracw@columbus.rr.com
Subject: October Progress Report

Karen,

Attached is the Progress Report for October. Please note that this report includes at attachment showing how our study classifies each state on key variables, such as counting out-of-precinct ballots, requirements for ballot evaluation, and other variables. It also displays how the data we used differs for some states for the vote counts reported by the Election Day Survey. We believe that our data is more accurate and complete (see for example the data for New Mexico and Pennsylvania).

I look forward to responding to any questions or concerns you or others at the EAC may have.

Tom O'Neill

OctoberFinal.doc

EAGLETON INSTITUTE OF POLITICS

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

MONTHLY PROGRESS REPORT
October 2005

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

November 15, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

028417

Deliberative Process Privilege

OUTLINE

- Introduction
- Provisional Voting
  - Task 3.5
- Voter Identification Requirements
  - Task 3.10
  - Task 3.11
- Project Management
  - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from October 1 through October 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

In October we focused on finalizing our Provisional Voting analysis paper, including the development of recommendations to the EAC for a draft guidance document and best practices. These policy prescriptions are based on our research and the comments of the Peer Review Group. We completed a careful review of our data to reconcile it with other sources and identify the latest, most reliable information to use in the analysis. (See the attachment to this Progress Report for the details.) The importance of this demanding effort was described in September's Progress Report.

Also in October we revised the schedule for the project in light of the additional time that has been needed for review of earlier drafts by the EAC and the late completion of the Election Day Study. We will seek a meeting with the EAC in the next several weeks to confer about the schedule to complete the project and alternative approaches that could speed the conclusion of our work.

We will submit to the EAC a final draft of our report, a preliminary guidance document, and draft best practices before Thanksgiving. We project that EAC will take 3 to 4 weeks to review and react to that final draft. And we understand that after its review, the EAC will decide if it should move towards issuing a Guidance Document or recommending best practices. If the EAC does decide to issue a Guidance Document on Provisional Voting, the time needed for a review by the advisory boards is likely to delay a public hearing until early February.

This report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to tom_oneill@verizon.net or by telephone at (908) 794-1030.

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed in August, Tasks 3.5 and 3.6 are nearing completion.

Task 3.5: Analysis and Alternative Approaches. Assess the potential, problems, and challenges of Provisional Voting and develop alternative means to achieve the goals of Provisional Voting.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It has provided a base of understanding for the analysis of states' actual experience with Provisional Voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team has created a 50-state chart to summarize information on Provisional Voting, compiled statutes, case law and administrative procedures regarding Provisional Voting and has completed this research.

Progress: We have completed the memorandum outlining Provisional Voting legislative changes since the 2004 election and we are continuing to clarify the laws prior to these changes.

Challenges: The variety in the form and frequency of Provisional Voting legislation from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The final analysis will be sent to the EAC by Thanksgiving.

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with Provisional Voting in 2004. The report findings from the survey of 400 local election officials are now complete. The survey results have proven to be instrumental in shaping our understanding of actual practice in administering Provisional Voting, including the steps local officials took to prepare for the election.

PROVISIONAL VOTING NARRATIVES

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

Progress: We completed a state-by-state narrative of developments in Provisional Voting and distributed it to the EAC and the PRG. This work has been helpful in understanding the context of the data collected on provisional voting from the states.

Challenges: The primary obstacle to constructing the narratives was difficultly in communicating and obtaining necessary information from various state officials. As a result, the narratives underwent several revisions to incorporate up-to-date and reliable information. Now that so many other analyses, including the Election Day Survey, have been released, we were challenged by different interpretations of the same basic facts. But the reconciliation of interpretation and data collection has been invaluable in establishing rigor in our report.

Work Plan: We completed revisions of the narratives incorporating comments from the PRG and addressing any discrepancies between our findings and other interpretations of similar information included in other studies.

PROVISIONAL VOTING STATISTICAL ANALYSIS

Description: During October the Eagleton research team continued to check its statistical analysis, and worked to reconcile the classifications of this analysis (such as states counting only those provisional ballots cast within the proper precinct versus states that counted ballots cast within the proper county) with the classification made in other parts of this study or in other studies (such as the Election Day Study or *Electionline* reports).

Progress: The effort to double check all of the classifications used in the study is complete. The results of this effort are displayed in the attachment to this progress report, "Characteristics of the Provisional Voting Process -- Classification of the States,"

beginning on page 9. Only Delaware and Arkansas remain unclear in regard to one of the measures, and both states have been contacted to receive clarification in this area..

Challenges: The difficulties encountered have been a result of communication delays and time constraints. Some states have been more responsive to our inquires about their practices than others. Overall, this is not an irresolvable problem but it does slow the process of completion down.

Work Plan: By early-November the final revision of the statistical analysis, which includes full reconciliation of all data within the study, will be complete. The reconciliation of data is displayed in the attachment to this progress report.

SURVEY OF COUNTY ELECTION OFFICIALS

Description: The Eagleton Center for Public Interest Polling (CPIP) conducted a national survey of county election officials to measure several aspects of Provisional Voting.

Progress: The analysis of the survey results and findings report is complete. As a result of the critique by the PRG, the research team is revising and clarifying the descriptions of the survey design and sample selection process to make the research methods more transparent.

Work Plan: We used the information from the survey in drafting the analysis and alternatives document required under Task 3.5. We will include necessary clarifications regarding survey design and sample selection in the final analysis and alternatives document.

Task 3.6: Prepare preliminary draft guidance document.

The report and recommendations now nearing completion constitutes the draft preliminary guidance document. Based on our conversation with the EAC, the draft gives the EAC the option of proceeding with a guidance document or issuing recommendations to the state for best practices, recommendations that would not constitute voluntary guidance. Before proceeding to Task 3.7 (revise the guidance document for publication) or 3.8 (arrange a public hearing on the draft guidance), we will await the EAC's decision on how to proceed.

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of Provisional Voting, and is becoming the principal focus of our research.

Task 3.10: Legislation, regulations, and litigation

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

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

Progress: The 50 State (plus the District of Columbia) chart has been completed, the voter identification statutes have been collected for all states and D.C., and summaries of the existing voter identification statutes have been written for all states and D.C.

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

Work Plan: Analysis of voter identification data has begun and will increasingly become the central focus of our work.

SUPPLEMENTS TO LEGAL ANALYSIS

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

VOTER ID AND TURNOUT ANALYSIS

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

Description: We have created a database and gathered statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election

Progress: The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. We have also used exit poll data collected on Election Day 2004 as a resource for understanding the demographics of voter turnout.

Challenges: The analysis of these data had been postponed until the data reconciliation of Provisional Voting is complete. As a result of the extensive revision and data reconciliation efforts aimed at the Provisional Voting section of our work VID had been temporarily placed on hold. We are now beginning data analysis on the impact of voter identification requirements on voter turnout.

Work Plan: The analysis of the impact that voter identification requirements have upon voter turnout should be completed by early December. Early January is our target to deliver the draft report and outline of alternative policies to the Peer Review Group. In mid January, the EAC would receive a draft report and recommendations that take into account the comments of the PRG.

PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). It reviews our research and methodology and provides valuable feedback and suggestions for the direction of our work.

Progress: Eagleton has stayed in touch with members of the Peer Review Group since the September 21st conference call, and has solicited their final comments on the Provisional Voting research. During October, we telephoned two members who did not participate in the conference call to confirm their commitment to serving as members of the Peer Review Group. Profess Guy Charles affirmed his interest. Professor Pamela Karlan did not return the call. The revisions in the schedule for the project have now made it possible to begin the process of scheduling a meeting of the PRG to consider our draft report and recommendations on Voter Identification Issues. We anticipate that meeting will take place the second week of January.

Challenges: No new challenges were encountered during October.

COORDINATION AND INFORMATION MANAGEMENT

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

INFORMATION SYSTEM

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

Progress: At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. We have reorganized our system by separating final drafts from earlier versions of documents, discarding dated files contained in the Information System, and updating the system as a whole. Upon their completion, new documents continue to be added.

Projections: The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site, and. regularly post drafts, completed materials and spreadsheets online for internal review. The Intranet facilitates the exchange of information and collaboration among project participants.

FINANCIAL REPORT

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

A detail of expenses incurred from project October 1- October 31, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer at the EAC.